

Robert Menendez

AMENDMENT NO. _____ Calendar No. _____

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

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 4350

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By	<i>Menendez</i>	epart-
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AMENDMENT intended to be proposed by Mr. MENENDEZ (for himself and Mr. RISCH) to the amendment (No. 3867) proposed by Mr. REED

Viz:

1 At the end, add the following:

2 **DIVISION E—DEPARTMENT OF**
3 **STATE AUTHORIZATION ACT**
4 **OF 2021**

5 **SEC. 5001. SHORT TITLE.**

6 This division may be cited as the “Department of
7 State Authorization Act of 2021”.

8 **SEC. 5002. DEFINITIONS.**

9 In this division:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “‘appropriate congressional com-
3 mittees’” means the Committee on Foreign Rela-
4 tions of the Senate and the Committee on Foreign
5 Affairs of the House of Representatives.

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

9 (3) SECRETARY.—If not otherwise specified, the
10 term “‘Secretary’” means the Secretary of State.

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

14 **SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DE-**
15 **PARTMENT OF STATE’S WORK.**

16 It is the sense of Congress that—

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

19 (2) United States leadership is indispensable in
20 light of the many complex and interconnected
21 threats facing the United States and the world;

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

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

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

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

22 (7) as the United States Government agencies
23 primarily charged with conducting diplomacy and
24 development, the Department and the United States
25 Agency for International Development (USAID) re-

1 quire sustained and robust funding to carry out this
2 important work, which is essential to our ability to
3 project United States leadership and values and to
4 advance United States interests around the world;

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

16 (9) the Department and USAID are vital na-
17 tional security agencies, whose work is critical to the
18 projection of United States power and leadership
19 worldwide, and without which Americans would be
20 less safe, United States economic power would be di-
21 minished, and global stability and prosperity would
22 suffer;

23 (10) investing in diplomacy and development
24 before conflicts break out saves American lives while
25 also being cost-effective; and

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

6 “(i) promote democracy and actively
7 support human rights throughout the
8 world;

9 “(ii) promote the rule of law and good
10 governance throughout the world;

11 “(iii) strengthen, empower, and pro-
12 tect civil society representatives, programs,
13 and organizations, and facilitate their abil-
14 ity to engage in dialogue with governments
15 and other civil society entities;

16 “(iv) work with regional bureaus to
17 ensure adequate personnel at diplomatic
18 posts are assigned responsibilities relating
19 to advancing democracy, human rights,
20 labor rights, women’s equal participation
21 in society, and the rule of law, with par-
22 ticular attention paid to adequate oversight
23 and engagement on such issues by senior
24 officials at such posts;

1 “(v) review and, as appropriate, make
2 recommendations that shall be given equal
3 weight to those of other bureaus or offices
4 to the Secretary of State regarding the
5 proposed transfer of—

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

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

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

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

23 “(D) LOCAL OVERSIGHT.—United States
24 missions, when executing DRL programming,
25 to the extent practicable, should assist in exer-

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

6 **SEC. 5103. ASSISTANT SECRETARY FOR INTERNATIONAL**
7 **NARCOTICS AND LAW ENFORCEMENT AF-**
8 **FAIRS.**

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

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (4) and (5); and

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

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

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

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

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

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

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

24 “(iii) Training and equipping foreign
25 police, border control, other government of-

1 officials, and other civilian law enforcement
2 authorities for anti-crime purposes, includ-
3 ing ensuring that no foreign security unit
4 or member of such unit shall receive such
5 assistance from the United States Govern-
6 ment absent appropriate vetting.

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

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

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

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

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

22 “(ii) coordinate with the Office of Na-
23 tional Drug Control Policy to ensure les-
24 sons learned from other United States
25 Government agencies are available to the

1 Bureau of International Narcotics and
2 Law Enforcement Affairs of the Depart-
3 ment;

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

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

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

23 “(D) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph may be construed to limit or
25 impair the authority or responsibility of any

1 other Federal agency with respect to law en-
2 forcement, domestic security operations, or in-
3 telligence activities as defined in Executive
4 Order 12333.”.

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

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

17 **SEC. 5104. BUREAU OF CONSULAR AFFAIRS; BUREAU OF**
18 **POPULATION, REFUGEES, AND MIGRATION.**

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

21 (1) by redesignating subsection (g) as sub-
22 section (j); and

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

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

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

10 **SEC. 5105. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

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

14 (b) DUTIES.—The Office should—

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

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

21 (3) promote disability inclusive practices and
22 the training of Department of State staff on solici-
23 ting quality programs that are fully inclusive of peo-
24 ple with disabilities;

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

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

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

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

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

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

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

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

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

13 **SEC. 5106. SPECIAL APPOINTMENT AUTHORITY.**

14 Section 1 of the State Department Basic Authorities
15 Act of 1956 (22 U.S.C. 2651a), as amended by section
16 5104 of this Act, is further amended by inserting after
17 subsection (h) the following new subsection:

18 “(i) SPECIAL APPOINTMENTS.—

19 “(1) POSITIONS EXERCISING SIGNIFICANT AU-
20 THORITY.—The President may, by and with the ad-
21 vice and consent of the Senate, appoint an individual
22 as a Special Envoy, Special Representative, Special
23 Coordinator, Special Negotiator, Envoy, Representa-
24 tive, Coordinator, Special Advisor, or other position
25 performing a similar function, regardless of title, at

1 the Department of State exercising significant au-
2 thority pursuant to the laws of the United States.
3 Except as provided in paragraph (3) or in clause 3,
4 section 2, article II of the Constitution (relating to
5 recess appointments), an individual may not be des-
6 ignated as a Special Envoy, Special Representative,
7 Special Coordinator, Special Negotiator, Envoy,
8 Representative, Coordinator, Special Advisor, or
9 other position performing a similar function, regard-
10 less of title, at the Department exercising significant
11 authority pursuant to the laws of the United States
12 without the advice and consent of the Senate.

13 “(2) POSITIONS NOT EXERCISING SIGNIFICANT
14 AUTHORITY.—The President or Secretary of State
15 may appoint any Special Envoy, Special Representa-
16 tive, Special Coordinator, Special Negotiator, Special
17 Envoy, Representative, Coordinator, Special Advisor,
18 or other position performing a similar function, re-
19 gardless of title, at the Department of State not ex-
20 exercising significant authority pursuant to the laws of
21 the United States without the advice and consent of
22 the Senate, if the President or Secretary, not later
23 than 15 days before the appointment of a person to
24 such a position, submits to the appropriate congres-

1 sional committees a notification that includes the
2 following:

3 “(A) A certification that the position does
4 not require the exercise of significant authority
5 pursuant to the laws of the United States.

6 “(B) A description of the duties and pur-
7 pose of the position.

8 “(C) The rationale for giving the specific
9 title and function to the position.

10 “(3) LIMITED EXCEPTION FOR TEMPORARY AP-
11 POINTMENTS EXERCISING SIGNIFICANT AUTHOR-
12 ITY.—The President may maintain or establish a po-
13 sition with the title of Special Envoy, Special Rep-
14 resentative, Special Coordinator, Special Negotiator,
15 Envoy, Representative, Coordinator, Special Advisor,
16 or other position performing a similar function, re-
17 gardless of title, at the Department of State exer-
18 cising significant authority pursuant to the laws of
19 the United States for not longer than 180 days if
20 the Secretary of State, not later than 15 days after
21 the appointment of a person to such a position, or
22 30 days after the date of the enactment of this sub-
23 section, whichever is earlier, submits to the Com-
24 mittee on Foreign Relations of the Senate and the
25 Committee on Foreign Affairs of the House of Rep-

1 representatives a notification that includes the fol-
2 lowing:

3 “(A) The necessity for conferring such title
4 and function.

5 “(B) The dates during which such title
6 and function will be held.

7 “(C) The justification for not submitting
8 the proposed conferral of such title and func-
9 tion to the Senate as a nomination for advice
10 and consent to appointment.

11 “(D) All relevant information concerning
12 any potential conflict of interest which the pro-
13 posed recipient of such title and function may
14 have with regard to the appointment.

15 “(4) RENEWAL OF TEMPORARY APPOINT-
16 MENT.—The President may renew for one period not
17 to exceed 180 days any position maintained or es-
18 tablished under paragraph (3) if the President, not
19 later than 15 days before issuing such renewal, sub-
20 mits to the Committee on Foreign Relations of the
21 Senate and the Committee on Foreign Affairs of the
22 House of Representatives a detailed justification on
23 the necessity of such extension, including the dates
24 with respect to which such title will continue to be
25 held and the justification for not submitting such

1 title to the Senate as a nomination for advice and
2 consent.

3 “(5) EXEMPTION.—Paragraphs (1) through (4)
4 shall not apply to a Special Envoy, Special Rep-
5 resentative, Special Coordinator, Special Negotiator,
6 Envoy, Representative, Coordinator, Special Advisor,
7 or other person performing a similar function, re-
8 gardless of title, at the Department of State if the
9 position is expressly mandated by statute.

10 “(6) EFFECTIVE DATE.—This subsection shall
11 apply to appointments made on or after January 3,
12 2023.”.

13 **SEC. 5107. REPEAL OF AUTHORITY FOR SPECIAL REP-**
14 **RESENTATIVE AND POLICY COORDINATOR**
15 **FOR BURMA.**

16 Section 7 of the Tom Lantos Block Burmese Jade
17 (Junta’s Anti-Democratic Efforts) Act of 2008 (Public
18 Law 110–286; 50 U.S.C. 1701 note) relating to the estab-
19 lishment of a Special Representative and Policy Coordi-
20 nator for Burma) is hereby repealed.

21 **SEC. 5108. 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. 5109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING**
4 **TO 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 may ac-
25 cept funds and other resources from foundations,

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

4 **SEC. 5110. CLASSIFICATION AND ASSIGNMENT OF FOREIGN**
5 **SERVICE OFFICERS.**

6 The Foreign Service Act of 1980 is amended—

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

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

19 **SEC. 5111. ENERGY DIPLOMACY AND SECURITY WITHIN**
20 **THE DEPARTMENT OF STATE.**

21 Subsection (c) of section 1 of the State Department
22 Basic Authorities Act of 1956 (22 U.S.C. 2651a), as
23 amended by section 5103 of this Act, is further amend-
24 ed—

1 (1) by redesignating paragraph (4) (as redesignated pursuant to such section 5103) as paragraph (5); and

2 (2) by inserting after paragraph (3) the following new paragraph:

3 “(4) ENERGY RESOURCES.—

4 “(A) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State for Energy Resources.

5 “(B) PERSONNEL.—If the Department establishes an Assistant Secretary of State for Energy Resources in accordance with the authorization provided in subparagraph (A), the Secretary of State shall ensure there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

6 “(i) formulating and implementing international policies aimed at protecting and advancing United States energy security interests by effectively managing

1 United States bilateral and multilateral re-
2 lations;

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

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

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

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

18 “(vi) working internationally to—

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

1 “(II) promote availability of di-
2 versified energy supplies and a well-
3 functioning global market for energy
4 resources, technologies, and expertise
5 for the benefit of the United States
6 and United States allies and trading
7 partners;

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

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

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

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

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

1 “(aa) the Bureau of Eco-
2 nomic and Business Affairs;

3 “(bb) the Bureau of Oceans
4 and International Environmental
5 and Scientific Affairs; and

6 “(cc) other offices within the
7 Department of State.”.

8 **SEC. 5112. THE NATIONAL MUSEUM OF AMERICAN DIPLO-**
9 **MACY.**

10 Title I of the State Department Basic Authorities Act
11 of 1956 is amended by adding after section 63 (22 U.S.C.
12 2735) the following new section:

13 **“SEC. 64. THE NATIONAL MUSEUM OF AMERICAN DIPLO-**
14 **MACY.**

15 “(a) ACTIVITIES.—

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

1 “(2) RECOVERY OF COSTS.—The Secretary of
2 State is authorized to recover any revenues gen-
3 erated under the authority of paragraph (1) for vis-
4 itor and outreach services and related events re-
5 ferred to in such paragraph, including fees for use
6 of facilities at the National Museum for American
7 Diplomacy. Any such revenues may be retained as a
8 recovery of the costs of operating the museum.

9 “(b) DISPOSITION OF NATIONAL MUSEUM OF AMER-
10 ICAN DIPLOMACY DOCUMENTS, ARTIFACTS, AND OTHER
11 ARTICLES.—

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

20 “(2) SALE, TRADE, OR TRANSFER.—Whenever
21 the Secretary of State makes the determination de-
22 scribed in paragraph (3) with respect to a document,
23 artifact, or other article under paragraph (1), the
24 Secretary may sell at fair market value, trade, or
25 transfer such document, artifact, or other article

1 without regard to the requirements of subtitle I of
2 title 40, United States Code. The proceeds of any
3 such sale may be used solely for the advancement of
4 the mission of the National Museum of American
5 Diplomacy and may not be used for any purpose
6 other than the acquisition and direct care of the col-
7 lections of the museum.

8 “(3) DETERMINATIONS PRIOR TO SALE, TRADE,
9 OR TRANSFER.—The determination described in this
10 paragraph with respect to a document, artifact, or
11 other article under paragraph (1), is a determination
12 that—

13 “(A) such document, artifact, or other arti-
14 cle no longer serves to further the purposes of
15 the National Museum of American Diplomacy
16 as set forth in the collections management pol-
17 icy of the museum;

18 “(B) the sale, trade, or transfer of such
19 document, artifact, or other article would serve
20 to maintain the standards of the collection of
21 the museum; or

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

1 “(4) LOANS.—In addition to the authorization
2 under paragraph (2) relating to the sale, trade, or
3 transfer of documents, artifacts, or other articles
4 under paragraph (1), the Secretary of State may
5 loan such documents, artifacts, or other articles,
6 when not needed for use or display by the National
7 Museum of American Diplomacy to the Smithsonian
8 Institution or a similar institution for repair, study,
9 or exhibition.”.

10 **SEC. 5113. EXTENSION OF PERIOD FOR REIMBURSEMENT**
11 **OF FISHERMEN FOR COSTS INCURRED FROM**
12 **THE ILLEGAL SEIZURE AND DETENTION OF**
13 **U.S.-FLAG FISHING VESSELS BY FOREIGN**
14 **GOVERNMENTS.**

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

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

21 (b) RETROACTIVE APPLICABILITY.—

22 (1) EFFECTIVE DATE.—The amendment made
23 by subsection (a) shall take effect on the date of the
24 enactment of this Act and apply as if the date speci-
25 fied in subsection (e) of section 7 of the Fishermen’s

1 Protective Act of 1967, as in effect on the day be-
2 fore the date of the enactment of this Act, were the
3 day after such date of enactment.

4 (2) AGREEMENTS AND PAYMENTS.—The Sec-
5 retary is authorized to—

6 (A) enter into agreements pursuant to sec-
7 tion 7 of the Fishermen's Protective Act of
8 1967 for any claims to which such section
9 would otherwise apply but for the date specified
10 in subsection (e) of such section, as in effect on
11 the day before the date of the enactment of this
12 Act; and

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

19 **SEC. 5114. ART IN EMBASSIES.**

20 (a) IN GENERAL.—No funds are authorized to be ap-
21 propriated for the purchase of any piece of art for the
22 purposes of installation or display in any embassy, con-
23 sulate, or other foreign mission of the United States if
24 the purchase price of such piece of art is in excess of
25 \$50,000, unless such purchase is subject to prior consulta-

1 tion with, and the regular notification procedures of, the
2 appropriate congressional committees.

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

8 (c) SUNSET.—This section shall terminate on the
9 date that is 2 years after the date of the enactment of
10 this Act.

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

14 **SEC. 5115. AMENDMENT OR REPEAL OF REPORTING RE-**
15 **QUIREMENTS.**

16 (a) BURMA.—

17 (1) IN GENERAL.—Section 570 of Public Law
18 104–208 is amended—

19 (A) by amending subsection (c) to read as
20 follows:

21 “(c) MULTILATERAL STRATEGY.—The President
22 shall develop, in coordination with likeminded countries,
23 a comprehensive, multilateral strategy to—

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

1 “(2) support a return to democratic governance,
2 and support constitutional, economic, and security
3 sector reforms in Burma designed to—

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

7 “(B) promote genuine national reconcili-
8 ation.”; and

9 (B) in subsection (d)—

10 (i) in the matter preceding paragraph
11 (1), by striking “six months” and inserting
12 “year”;

13 (ii) by redesignating paragraph (3) as
14 paragraph (7); and

15 (iii) by inserting after paragraph (2)
16 the following new paragraphs:

17 “(3) improvements in human rights practices;

18 “(4) progress toward broad-based and inclusive
19 economic growth; and

20 “(5) progress toward genuine national reconcili-
21 ation.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall take effect on the date of the
24 enactment of this Act and apply with respect to the
25 first report required under subsection (d) of section

1 570 of Public Law 104–208 that is required after
2 the date of the enactment of this Act.

3 (b) REPEALS.—The following provisions of law are
4 hereby repealed:

5 (1) Subsection (b) of section 804 of Public Law
6 101–246.

7 (2) Section 6 of Public Law 104–45.

8 (3) Subsection (c) of section 702 of Public Law
9 96–465 (22 U.S.C. 4022).

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

12 (5) Section 5 of Public Law 94–304 (22 U.S.C.
13 3005).

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

17 (c) REPORT TO CONGRESS.—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 of State and the Administrator of the United States Agen-
20 cy for International Development shall submit to the ap-
21 propriate congressional committees a report that includes
22 each of the following:

23 (1) A list of all reports described in subsection
24 (d) required to be submitted by their respective
25 agency.

1 (2) For each such report, a citation to the pro-
2 vision of law under which the report is required to
3 be submitted.

4 (3) The reporting frequency of each such re-
5 port.

6 (4) The estimated cost of each report, to in-
7 clude personnel time costs.

8 (d) COVERED REPORTS.—A report described in this
9 subsection is a recurring report that is required to be sub-
10 mitted to Congress by the Department of State or the
11 United States Agency for International Development, or
12 by any officer, official, component, or element of each enti-
13 ty.

14 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means the Committee on Foreign Re-
17 lations of the Senate and the Committee on Foreign Af-
18 fairs of the House of Representatives.

19 **SEC. 5116. REPORTING ON IMPLEMENTATION OF GAO REC-**
20 **COMMENDATIONS.**

21 (a) INITIAL REPORT.—Not later than 120 days after
22 the date of the enactment of this Act, the Secretary shall
23 submit to the appropriate congressional committees a re-
24 port that lists all of the Government Accountability Of-

1 fice's recommendations relating to the Department that
2 have not been fully implemented.

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

11 (c) IMPLEMENTATION REPORT.—

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

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

22 (A) a detailed justification for each deci-
23 sion not to fully implement a recommendation
24 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. 5117. OFFICE OF GLOBAL CRIMINAL JUSTICE.**

15 (a) IN GENERAL.—There should be established with-
16 in the Department of State an Office of Global Criminal
17 Justice (referred to in this section as the “Office”), which
18 may be placed within the organizational structure of the
19 Department 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 atrocities, including
24 war crimes, crimes against humanity, and genocide.

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

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

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

22 (6) Provide advice and expertise on transitional
23 justice mechanisms to United States personnel oper-
24 ating in conflict and post-conflict environments.

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

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

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

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

13 **TITLE II—EMBASSY** 14 **CONSTRUCTION**

15 **SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAIN-** 16 **TENANCE.**

17 For “Embassy Security, Construction, and Mainte-
18 nance”, there is authorized to be appropriated
19 \$1,975,449,000 for fiscal year 2022.

20 **SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.**

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

1 starts with a standard design and keeps customization to
2 a minimum.

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

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

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

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

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

1 (5) A written explanation if any of the docu-
2 mentation necessary to support the comparisons and
3 justification, as the case may be, described in para-
4 graphs (1) through (4) cannot be provided.

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

8 **SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.**

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

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

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

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

1 “(b) CONTENTS.—Each report required under sub-
2 section (a) shall include the following with respect to each
3 ongoing overseas capital construction project and major
4 embassy security upgrade project:

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

11 “(2) The current cost estimate.

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

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

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

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

22 “(7) An enumerated list of each request for eq-
23 uitable adjustment and certified claim that has been
24 fully adjudicated or that the Department has settled,

1 and the final dollar amount of each adjudication or
2 settlement.

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

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

12 **SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.**

13 (a) **DEADLINE FOR COMPLETION.**—The Secretary
14 shall complete all contractor performance evaluations out-
15 standing as of the date of the enactment of this Act re-
16 quired by subpart 42.15 of the Federal Acquisition Regu-
17 lation for those contractors engaged in construction of new
18 embassy or new consulate compounds by April 1, 2022.

19 (b) **PRIORITIZATION SYSTEM.**—

20 (1) **IN GENERAL.**—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary
22 shall develop a prioritization system for clearing the
23 current backlog of required evaluations referred to
24 in subsection (a).

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

4 (A) Project completion evaluations should
5 be prioritized over annual evaluations.

6 (B) Evaluations for relatively large con-
7 tracts should have priority.

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

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

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

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

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

1 **SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES**
2 **AND CONSULATES.**

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

9 (1) Relevant historical trends for Department
10 personnel and personnel from other agencies rep-
11 resented at the NEC or NCC that is to be con-
12 structed.

13 (2) An analysis of the tradeoffs between risk
14 and the needs of United States Government policy
15 conducted as part of the most recent Vital Presence
16 Validation Process, if applicable.

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

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

22 (b) **OTHER FEDERAL AGENCIES.**—The head of each
23 Federal agency represented at a United States embassy
24 or consulate shall provide to the Secretary, upon request,
25 growth projections for the personnel of each such agency

1 over the estimated life of each embassy or consulate, as
2 the case may be.

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

6 (d) CONGRESSIONAL NOTIFICATION.—Any congres-
7 sional notification of site selection for a NEC or NCC sub-
8 mitted after the date of the enactment of this Act shall
9 include the growth assumption used pursuant to sub-
10 section (c).

11 **SEC. 5206. LONG-RANGE PLANNING PROCESS.**

12 (a) PLANS REQUIRED.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, and an-
15 nually thereafter for the next five years as the Sec-
16 retary of State considers appropriate, the Secretary
17 shall develop—

18 (A) a comprehensive 6-year plan docu-
19 menting the Department's overseas building
20 program for the replacement of overseas diplo-
21 matic posts taking into account security factors
22 under the Secure Embassy Construction and
23 Counterterrorism Act of 1999 and other rel-
24 evant statutes and regulations, as well as occu-
25 pational safety and health factors pursuant to

1 the Occupational Safety and Health Act of
2 1970 and other relevant statutes and regula-
3 tions, including environmental factors such as
4 indoor air quality that impact employee health
5 and safety; and

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

19 (2) INITIAL REPORT.—The first plan developed
20 pursuant to paragraph (1)(A) shall also include a
21 one-time status report on existing small diplomatic
22 posts and a strategy for establishing a physical dip-
23 lomatic presence in countries in which there is no
24 current physical diplomatic presence and with which
25 the United States maintains diplomatic relations.

1 Such report, which may include a classified annex,
2 shall include the following:

3 (A) A description of the extent to which
4 each small diplomatic post furthers the national
5 interest of the United States.

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

11 (C) A description of whether each small
12 diplomatic post meets current security require-
13 ments.

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

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

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

21 (3) UPDATED INFORMATION.—The annual up-
22 dates of each of the plans developed pursuant to
23 paragraph (1) shall highlight any changes from the
24 previous year's plan to the ordering of construction
25 and maintenance projects.

1 (b) REPORTING REQUIREMENTS.—

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

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

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

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

1 **SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

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

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

13 (b) NOTIFICATION REQUIREMENTS.—

14 (1) SUBMISSION TO AUTHORIZING COMMIT-
15 TEES.—Any operating plan that includes the alloca-
16 tion of capital construction and maintenance funds
17 shall be submitted to the Committee on Foreign Re-
18 lations of the Senate and the Committee on Foreign
19 Affairs of the House of Representatives.

20 (2) REQUIREMENT TO CONFIRM COMPLETION
21 OF VALUE ENGINEERING AND RISK ASSESSMENT
22 STUDIES.—The notifications required under para-
23 graph (1) shall include confirmation that the De-
24 partment has completed the requisite VE and risk
25 management process described in subsection (a), or
26 applicable successor process.

1 (c) REPORTING AND BRIEFING REQUIREMENTS.—

2 The Secretary shall provide to the appropriate congres-
3 sional committees upon request—

4 (1) a description of each risk management
5 study referred to in subsection (a)(2) and a table de-
6 tailing which recommendations related to each such
7 study were accepted and which were rejected; and

8 (2) a report or briefing detailing the rationale
9 for not implementing any such recommendations
10 that may otherwise yield significant cost savings to
11 the Department if implemented.

12 **SEC. 5208. BUSINESS VOLUME.**

13 Section 402(c)(2)(E) of the Omnibus Diplomatic Se-
14 curity and Antiterrorism Act of 1986 (22 U.S.C.
15 4852(c)(2)(E)) is amended by striking “in 3 years” and
16 inserting “cumulatively over 3 years”.

17 **SEC. 5209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**

18
19 The Secretary of State shall provide to the appro-
20 priate congressional committees, the Committee on Armed
21 Services of the House of Representatives, and the Com-
22 mittee on Armed Services of the Senate upon request in-
23 formation on physical security deficiencies at United
24 States diplomatic posts, including relating to the fol-
25 lowing:

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

4 (2) Significant security deficiencies at United
5 States diplomatic posts that are not operating out of
6 a new embassy compound or new consulate com-
7 pound.

8 **SEC. 5210. OVERSEAS SECURITY BRIEFINGS.**

9 Not later than one year after the date of the enact-
10 ment of this Act, the Secretary of State shall revise the
11 Foreign Affairs Manual to stipulate that information on
12 the current threat environment shall be provided to all
13 United States Government employees under chief of mis-
14 sion authority traveling to a foreign country on official
15 business. To the extent practicable, such material shall be
16 provided to such employees prior to their arrival at a
17 United States diplomatic post or as soon as possible there-
18 after.

19 **SEC. 5211. CONTRACTING METHODS IN CAPITAL CON-**
20 **STRUCTION.**

21 (a) **DELIVERY.**—Unless the Secretary of State noti-
22 fies the appropriate congressional committees that the use
23 of the design-build project delivery method would not be
24 appropriate, the Secretary shall make use of such method
25 at United States diplomatic posts that have not yet re-

1 ceived design or capital construction contracts as of the
2 date of the enactment of this Act.

3 (b) NOTIFICATION.—Before executing a contract for
4 a delivery method other than design-build in accordance
5 with subsection (a), the Secretary of State shall notify the
6 appropriate congressional committees in writing of the de-
7 cision, including the reasons therefor. The notification re-
8 quired by this subsection may be included in any other
9 report regarding a new United States diplomatic post that
10 is required to be submitted to the appropriate congres-
11 sional committees.

12 (c) PERFORMANCE EVALUATION.—Not later than
13 180 days after the date of the enactment of this Act, the
14 Secretary of State shall report to the appropriate congres-
15 sional committees regarding performance evaluation meas-
16 ures in accordance with GAO’s “Standards for Internal
17 Control in the Federal Government” that will be applica-
18 ble to design and construction, lifecycle cost, and building
19 maintenance programs of the Bureau of Overseas Build-
20 ing Operations of the Department.

21 **SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.**

22 Not later than 45 days after the date of the enact-
23 ment of this Act, the Secretary of State shall submit to
24 the appropriate congressional committee a report detailing
25 steps the Department of State is taking to expand the em-

1 bassy construction contractor base in order to increase
2 competition and maximize value.

3 **SEC. 5213. STATEMENT OF POLICY.**

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

12 **SEC. 5214. DEFINITIONS.**

13 In this title:

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

18 (2) **NON-STANDARD DESIGN.**—The term “non-
19 standard design” means a design for a new embassy
20 compound project or new consulate compound
21 project that does not utilize a standardized design
22 for the structural, spatial, or security requirements
23 of such embassy compound or consulate compound,
24 as the case may be.

1 **TITLE III—PERSONNEL ISSUES**

2 **SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.**

3 (a) APPLICATION FOR WAIVERS.—Not later than 30
4 days after the date of the enactment of this Act, the Sec-
5 retary shall apply to the Department of Labor for a waiver
6 from insurance requirements under the Defense Base Act
7 (42 U.S.C. 1651 et seq.) for all countries with respect to
8 which the requirement was waived prior to January 2017,
9 and for which there is not currently a waiver.

10 (b) CERTIFICATION REQUIREMENT.—Not later than
11 45 days after the date of the enactment of this Act, the
12 Secretary shall certify to the appropriate congressional
13 committees that the requirement in subsection (a) has
14 been met.

15 **SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.**

16 (a) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than one year
18 after date of the enactment of this Act, the Sec-
19 retary shall submit to the appropriate congressional
20 committees a report detailing an empirical analysis
21 on the effect of overseas allowances on the foreign
22 assignment of Foreign Service officers (FSOs), to be
23 conducted by a federally-funded research and devel-
24 opment center with appropriate expertise in labor ec-
25 onomics and military compensation.

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

3 (A) identify all allowances paid to FSOs
4 assigned permanently or on temporary duty to
5 foreign areas;

6 (B) examine the efficiency of the Foreign
7 Service bidding system in determining foreign
8 assignments;

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

12 (D) examine the Department's strategy
13 and process for incentivizing FSOs to bid on
14 assignments that are historically in lower de-
15 mand, including with monetary compensation,
16 and whether monetary compensation is nec-
17 essary for assignments in higher demand;

18 (E) make any relevant comparisons to
19 military compensation and allowances, noting
20 which allowances are shared or based on the
21 same regulations;

22 (F) recommend options for restructuring
23 allowances to improve the efficiency of the as-
24 signments system and better align FSO incen-
25 tives with the needs of the Foreign Service, in-

1 cluding any cost savings associated with such
2 restructuring;

3 (G) recommend any statutory changes nec-
4 essary to implement subparagraph (F), such as
5 consolidating existing legal authorities for the
6 provision of hardship and danger pay; and

7 (H) detail any effects of recommendations
8 made pursuant to subparagraphs (F) and (G)
9 on other United States Government depart-
10 ments and agencies with civilian employees per-
11 manently assigned or on temporary duty in for-
12 eign areas, following consultation with such de-
13 partments and agencies.

14 (b) BRIEFING REQUIREMENT.—Before initiating the
15 analysis required under subsection (a)(1), and not later
16 than 60 days after the date of the enactment of this Act,
17 the Secretary shall provide to the Committee on Foreign
18 Relations of the Senate and the Committee on Foreign
19 Affairs in the House of Representatives a briefing on the
20 implementation of this section that includes the following:

21 (1) The name of the federally funded research
22 and development center that will conduct such anal-
23 ysis.

24 (2) The scope of such analysis and terms of ref-
25 erence for such analysis as specified between the De-

1 partment and such federally funded research and de-
2 velopment center.

3 (c) AVAILABILITY OF INFORMATION.—

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

14 (2) COOPERATION.—The Secretary shall work
15 with the heads of other relevant United States Gov-
16 ernment departments and agencies to ensure such
17 departments and agencies provide all necessary and
18 relevant information to the federally-funded research
19 and development center carrying out the analysis re-
20 quired under subsection (a)(1).

21 (d) INTERIM REPORT TO CONGRESS.—The Secretary
22 shall require that the chief executive officer of the feder-
23 ally-funded research and development center that carries
24 out the analysis required under subsection (a)(1) submit
25 to the Committee on Foreign Relations of the Senate and

1 the Committee on Foreign Affairs of the House of Rep-
2 resentatives an interim report on such analysis not later
3 than 180 days after the date of the enactment of this Act.

4 **SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

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

8 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
9 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
10 PROGRAMS.—

11 “(1) IN GENERAL.—The Secretary is authorized
12 to make grants or enter into cooperative agreements
13 related to Department of State science and tech-
14 nology fellowship programs, including for assistance
15 in recruiting fellows and the payment of stipends,
16 travel, and other appropriate expenses to fellows.

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

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

1 **SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.**

2 Section 901(15) of the Foreign Service Act of 1980
3 (22 U.S.C. 4081(15)) is amended—

4 (1) in the matter preceding subparagraph (A),
5 by striking “1 round-trip per year for each child
6 below age 21 of a member of the Service assigned
7 abroad” and inserting “in the case of one or more
8 children below age 21 of a member of the Service as-
9 signed abroad, 1 round-trip per year”;

10 (2) in subparagraph (A)—

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

13 (B) by striking “; or” and inserting a
14 comma;

15 (3) in subparagraph (B)—

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

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

19 (4) by inserting after subparagraph (B) the fol-
20 lowing new subparagraph:

21 “(C) for one of the child’s parents to visit
22 the child or children abroad if the child or chil-
23 dren do not regularly reside with that parent
24 and that parent is not receiving an education
25 allowance or educational travel allowance for

1 ship Program, and the Donald M. Payne International De-
2 velopment Fellowship Program, represent smart invest-
3 ments vital for building a strong, capable, and representa-
4 tive national security workforce.

5 **SEC. 5307. TECHNICAL CORRECTION.**

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

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

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

16 **SEC. 5308. FOREIGN SERVICE AWARDS.**

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

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

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

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

“Sec. 614. Department awards.”.

1 **SEC. 5309. DIPLOMATIC PROGRAMS.**

2 (a) SENSE OF CONGRESS ON WORKFORCE RECRUIT-
3 MENT.—It is the sense of Congress that the Secretary
4 should continue to hold entry-level classes for Foreign
5 Service officers and specialists and continue to recruit civil
6 servants through programs such as the Presidential Man-
7 agement Fellows Program and Pathways Internship Pro-
8 grams in a manner and at a frequency consistent with
9 prior years and consistent with the need to maintain a
10 pool of experienced personnel effectively distributed across
11 skill codes and ranks. It is further the sense of Congress
12 that absent continuous recruitment and training of For-
13 eign Service officers and civil servants, the Department
14 will lack experienced, qualified personnel in the short, me-
15 dium, and long terms.

16 (b) LIMITATION.—The Secretary should not imple-
17 ment any reduction-in-force action under section 3502 or
18 3595 of title 5, United States Code, or for any incentive
19 payments for early separation or retirement under any
20 other provision of law unless—

21 (1) the appropriate congressional committees
22 are notified not less than 15 days in advance of such
23 obligation or expenditure; and

24 (2) the Secretary has provided to the appro-
25 priate congressional committees a detailed report

1 that describes the Department's strategic staffing
2 goals, including—

3 (A) a justification that describes how any
4 proposed workforce reduction enhances the ef-
5 fectiveness of the Department;

6 (B) a certification that such workforce re-
7 duction is in the national interest of the United
8 States;

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

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

17 (i) Foreign Service officer and For-
18 eign Service specialist rank;

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

21 (iii) contracted employees, including
22 the equivalent job skill code and bureau of
23 assignment; and

24 (iv) employees hired under schedule C
25 of subpart C of part 213 of title 5, Code

1 of Federal Regulations, including their
2 equivalent grade and job skill code and bu-
3 reau of assignment.

4 **SEC. 5310. SENSE OF CONGRESS REGARDING VETERANS**
5 **EMPLOYMENT AT THE DEPARTMENT OF**
6 **STATE.**

7 It is the sense of Congress that—

8 (1) the Department should continue to promote
9 the employment of veterans, in accordance with sec-
10 tion 301 of the Foreign Service Act of 1980 (22
11 U.S.C. 3941), as amended by section 5407 of this
12 Act, including those veterans belonging to tradition-
13 ally underrepresented groups at the Department;

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

18 (3) the Department should continue to encour-
19 age veteran employment and facilitate their partici-
20 pation in the workforce.

21 **SEC. 5311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND**
22 **PRECLUSIONS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the Department should expand the appeal proc-

1 ess it makes available to employees related to assignment
2 preclusions and restrictions.

3 (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRE-
4 CLUSION.—Subsection (a) of section 414 of the Depart-
5 ment of State Authorities Act, Fiscal Year 2017 (22
6 U.S.C. 2734c(a)) is amended by adding at the end the
7 following new sentences: “Such right and process shall en-
8 sure that any employee subjected to an assignment restric-
9 tion or preclusion shall have the same appeal rights as
10 provided by the Department regarding denial or revocation
11 of a security clearance. Any such appeal shall be resolved
12 not later than 60 days after such appeal is filed.”.

13 (c) NOTICE AND CERTIFICATION.—Not later than 90
14 days after the date of the enactment of this Act, the Sec-
15 retary shall revise, and certify to the Committee on For-
16 eign Relations of the Senate and the Committee on For-
17 eign Affairs of the House of Representatives regarding
18 such revision, the Foreign Affairs Manual guidance re-
19 garding denial or revocation of a security clearance to ex-
20 pressly state that all review and appeal rights relating
21 thereto shall also apply to any recommendation or decision
22 to impose an assignment restriction or preclusion to an
23 employee.

1 **SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEM-**
2 **BERS.**

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

5 (1) career Department employees provide in-
6 valuable service to the United States as nonpartisan
7 professionals who contribute subject matter expertise
8 and professional skills to the successful development
9 and execution of United States foreign policy; and

10 (2) reemployment of skilled former members of
11 the Foreign and civil service who have voluntarily
12 separated from the Foreign or civil service due to
13 family reasons or to obtain professional skills outside
14 government is of benefit to the Department.

15 (b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—
16 Title 5, United States Code, is amended by inserting after
17 chapter 102 the following new chapter:

18 **“CHAPTER 103—DEPARTMENT OF STATE**

“Sec.

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

“10302. Consulting services for the Department of State.

19 **“§ 10301. Notice of employment opportunities for De-**
20 **partment of State and USAID positions**

21 “To ensure that individuals who have separated from
22 the Department of State or the United States Agency for
23 International Development and who are eligible for re-

1 appointment are aware of such opportunities, the Depart-
 2 ment of State and the United States Agency for Inter-
 3 national Development shall publicize notice of all employ-
 4 ment opportunities, including positions for which the rel-
 5 evant agency is accepting applications from individuals
 6 within the agency’s workforce under merit promotion pro-
 7 cedures, on publicly accessible sites, including
 8 www.usajobs.gov. If using merit promotion procedures, the
 9 notice shall expressly state that former employees eligible
 10 for reinstatement may apply.”.

11 (c) CLERICAL AMENDMENT.—The table of chapters
 12 at the beginning of title 5, United States Code, is amended
 13 by inserting after the item relating to chapter 102 the fol-
 14 lowing:

“103. Department of State10301.”.

15 **SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPART-**
 16 **MENT OF STATE.**

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

1 of the enactment of this Act, which shall include the fol-
2 lowing:

3 (1) A dataset displaying comprehensive work-
4 force data, including all shortages in bureaus de-
5 scribed in GAO report GAO-19-220, for all current
6 and planned employees of the Department,
7 disaggregated by—

8 (A) Foreign Service officer and Foreign
9 Service specialist rank;

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

12 (C) contracted employees, including the
13 equivalent job skill code and bureau of assign-
14 ment; and

15 (D) employees hired under schedule C of
16 subpart C of part 213 of title 5, Code of Fed-
17 eral Regulations, including the equivalent grade
18 and job skill code and bureau of assignment of
19 such employee.

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

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

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

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

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

21 **SEC. 5314. CONSULTING SERVICES.**

22 Chapter 103 of title 5, United States Code, as added
23 by section 5312, is amended by adding at the end the fol-
24 lowing:

1 **“§ 10302. Consulting services for the Department of**
2 **State**

3 “Any consulting service obtained by the Department
4 of State through procurement contract pursuant to section
5 3109 of title 5, United States Code, shall be limited to
6 those contracts with respect to which expenditures are a
7 matter of public record and available for public inspection,
8 except if otherwise provided under existing law, or under
9 existing Executive order issued pursuant to existing law.”.

10 **SEC. 5315. INCENTIVES FOR CRITICAL POSTS.**

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

14 **SEC. 5316. EXTENSION OF AUTHORITY FOR CERTAIN AC-**
15 **COUNTABILITY REVIEW BOARDS.**

16 Section 301(a)(3) of the Omnibus Diplomatic Secu-
17 rity and Antiterrorism Act of 1986 (22 U.S.C.
18 4831(a)(3)) is amended—

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

22 (2) in subparagraph (A)—

23 (A) in clause (i), by striking “Afghanistan
24 or” and inserting “Afghanistan, Yemen, Syria,
25 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, 2020, and ending on September 30, 2022”.

5 **SEC. 5317. 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
16 from duties under this subsection may be suspended
17 without pay only after a final written decision is pro-
18 vided to such member under paragraph (2).

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

1 mittee on Foreign Relations of the Senate in writing
2 regarding the specific reasons for such delay.”; 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 (D) by redesignating clauses (i) and (ii) as

11 subparagraphs (A) and (B), respectively; and
12 moving such subparagraphs 2 ems to the left.

13 moving such subparagraphs 2 ems to the left.

14 **SEC. 5318. 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. 5319. 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. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL**
5 **ENGAGEMENT CENTER.**

6 The Secretary may appoint, for a 3-year period that
7 may be extended for up to an additional 2 years, solely
8 to carry out the functions of the Global Engagement Cen-
9 ter, employees of the Department without regard to the
10 provisions of title 5, United States Code, governing ap-
11 pointment in the competitive service, and may fix the basic
12 compensation of such employees without regard to chapter
13 51 and subchapter III of chapter 53 of such title.

14 **SEC. 5321. REST AND RECUPERATION AND OVERSEAS OP-**
15 **ERATIONS LEAVE FOR FEDERAL EMPLOYEES.**

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

19 **“§ 6329d. Rest and recuperation leave**

20 **“(a) DEFINITIONS.—In this section—**

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

1 “(2) the term ‘combat zone’ means a geo-
2 graphic area designated by an Executive order of the
3 President as an area in which the Armed Forces are
4 engaging or have engaged in combat, an area des-
5 ignated by law to be treated as a combat zone, or
6 a location the Department of Defense has certified
7 for combat zone tax benefits due to its direct sup-
8 port of military operations;

9 “(3) the term ‘employee’ has the meaning given
10 that term in section 6301 of this title;

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

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

20 “(b) LEAVE FOR REST AND RECUPERATION.—The
21 head of an agency may prescribe regulations to grant up
22 to 20 days of paid leave, per leave year, for the purposes
23 of rest and recuperation to an employee of the agency
24 serving in a combat zone, any other high risk, high threat

1 post, or any other location presenting significant security
2 or operational challenges.

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

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

10 **“§ 6329e. Overseas operations leave**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘agency’ means an Executive
13 agency (as that term is defined in section 105 of
14 this title), but does not include the Government Ac-
15 countability Office;

16 “(2) the term ‘employee’ has the meaning given
17 that term in section 6301 of this title; and

18 “(3) the term ‘leave year’ means the period be-
19 ginning with the first day of the first complete pay
20 period in a calendar year and ending with the day
21 immediately before the first day of the first complete
22 pay period in the following calendar year.

23 “(b) LEAVE FOR OVERSEAS OPERATIONS.—The head
24 of an agency may prescribe regulations to grant up to 10
25 days of paid leave, per leave year, to an employee of the

1 agency serving abroad where the conduct of business could
2 pose potential security or safety related risks or would be
3 inconsistent with host-country practice. Such regulations
4 may provide that additional leave days may be granted
5 during such leave year if the head of the agency deter-
6 mines that to do so is necessary to advance the national
7 security or foreign policy interests of the United States.

8 “(c) DISCRETIONARY AUTHORITY OF AGENCY
9 HEAD.—Use of the authority under subsection (b) is at
10 the sole and exclusive discretion of the head of the agency
11 concerned.

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

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 6329c the following new
18 items:

“6329d. Rest and recuperation leave.

“6329e. Overseas operations leave.”.

19 **SEC. 5322. EXTENSION OF AUTHORITY FOR CORONAVIRUS**

20 **RELATED PAYMENTS.**

21 (a) IN GENERAL.—The Secretary of State and the
22 heads of other Federal agencies whose employees are au-
23 thorized to receive payments of monetary amounts and
24 other allowances under section 5523 of title 5, United

1 States Code, may rely upon the authority of that section,
2 without regard to the time limitations referenced therein,
3 to continue such payments in connection with authorized
4 or ordered departures from foreign areas, to prevent, pre-
5 pare for, and respond to coronavirus.

6 (b) APPLICABILITY.—The authority under subsection
7 (a) shall be available to continue the payments described
8 in such subsection for the period beginning on July 21,
9 2020, through September 30, 2022, when such authority
10 shall expire.

11 **SEC. 5323. EDUCATION ALLOWANCES DUE TO**
12 **CORONAVIRUS.**

13 (a) IN GENERAL.—The authority under section 5924
14 of title 5, United States Code, may be exercised by the
15 Secretary of State and the heads of other Federal agencies
16 for education allowances to employees who are in the
17 United States with assignment orders to a foreign area
18 and for whom service abroad has been interrupted or de-
19 layed because of the coronavirus pandemic without regard
20 to the foreign area limitations referenced therein.

21 (b) TERMINATION.—The authority under subsection
22 shall expire on September 30, 2022.

23 **SEC. 5324. EMERGENCY MEDICAL SERVICES AUTHORITY.**

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

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

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

5 (3) by adding at the end the following new sub-
6 section:

7 “(n) in exigent circumstances, as determined by the
8 Secretary, provide emergency medical services or related
9 support for private United States citizens, nationals, and
10 permanent resident aliens abroad, or third country nation-
11 als connected to such persons or to the diplomatic or devel-
12 opment missions of the United States abroad, who are un-
13 able to obtain such services or support otherwise, with
14 such assistance provided on a reimbursable basis to the
15 extent feasible.”.

16 **SEC. 5325. DEPARTMENT OF STATE STUDENT INTERNSHIP**
17 **PROGRAM.**

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

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

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

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

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

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

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

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

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

19 (2) Academic performance.

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

22 (d) OUTREACH.—The Secretary of State shall adver-
23 tise the Program widely, including on the internet,
24 through the Department of State's Diplomats in Resi-
25 dence program, and through other outreach and recruiting

1 initiatives targeting undergraduate and graduate students.
2 The Secretary shall actively encourage people belonging to
3 traditionally under represented groups in terms of racial,
4 ethnic, geographic, and gender diversity, and disability
5 status to apply to the Program, including by conducting
6 targeted outreach at minority serving institutions (as such
7 term is described in section 371(a) of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1067q(a)).

9 (e) COMPENSATION.—

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

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

15 (B) the minimum wage of the jurisdiction
16 in which the internship is located,
17 whichever is greatest.

18 (2) HOUSING ASSISTANCE.—

19 (A) ABROAD.—The Secretary of State
20 shall provide housing to a student participating
21 in the Program whose permanent address is
22 within the United States if the location of the
23 internship in which such student is partici-
24 pating is outside the United States.

1 (B) DOMESTIC.—The Secretary of State is
2 authorized to provide housing to a student par-
3 ticipating in the Program whose permanent ad-
4 dress is within the United States if the location
5 of the internship in which such student is par-
6 ticipating is more than 50 miles away from
7 such student's permanent address.

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

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

18 (B) outside the United States.

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

1 (g) REPORTS.—Not later than 18 months after the
2 date of the enactment of this Act, the Secretary of State
3 shall submit to the Committee on Foreign Relations of a
4 Senate and the Committee on Foreign Affairs of the
5 House of Representatives a report that includes the fol-
6 lowing:

7 (1) Information regarding the number of stu-
8 dents, disaggregated by race, ethnicity, gender, insti-
9 tution of higher learning, home State, State where
10 each student graduated from high school, and dis-
11 ability status, who applied to the Program, were of-
12 fered a position, and participated.

13 (2) Information on the number of security
14 clearance investigations started and the timeline for
15 such investigations, including whether such inves-
16 tigation were completed or if, and when, an interim
17 security clearance was granted.

18 (3) Information on expenditures on the Pro-
19 gram.

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

22 (h) VOLUNTARY PARTICIPATION.—

23 (1) IN GENERAL.—Nothing in this section may
24 be construed to compel any employee of the Depart-
25 ment of State to participate in the collection of the

1 data or divulge any personal information. Depart-
2 ment employees shall be informed that their partici-
3 pation in the data collection contemplated by this
4 title is voluntary.

5 (2) PRIVACY PROTECTION.—Any data collected
6 under this section shall be subject to the relevant
7 privacy protection statutes and regulations applica-
8 ble to Federal employees.

9 **SEC. 5326. COMPETITIVE STATUS FOR CERTAIN EMPLOY-**
10 **EES HIRED BY INSPECTORS GENERAL TO**
11 **SUPPORT THE LEAD IG MISSION.**

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

17 **SEC. 5327. REPORT RELATING TO FOREIGN SERVICE OFFI-**
18 **CER TRAINING AND DEVELOPMENT.**

19 (a) IN GENERAL.—Not later than 270 days after the
20 date of the enactment of this Act, the Secretary of State
21 shall submit to the appropriate committees of Congress
22 a report certain fellowship or detail opportunities for De-
23 partment of State Foreign Service personnel.

24 (b) ELEMENTS.—The report required by subsection
25 (a) shall include the following elements:

1 (1) The number of Senior Foreign Service Offi-
2 cer generalists who, as of the date of the enactment
3 of this Act, have done a tour of at least one year
4 in any of the agencies or congressional committees
5 described in subsection (a).

6 (2) The total number of senior Foreign Service
7 Officer generalists as of the date of the enactment
8 of this Act.

9 (3) The average number of Senior Foreign
10 Service Officer generalists inducted annually during
11 the 10 years preceding the date of the enactment of
12 this Act.

13 (4) The total number of Department advisors
14 stationed in any of the agencies or congressional of-
15 fices described in subsection (a), including the agen-
16 cies or offices in which such advisors serve.

17 (5) The total number of advisors from other
18 United States Government agencies stationed in the
19 Department of State (excluding defense attaches,
20 senior defense officials, and other Department of
21 Defense personnel stationed in United States mis-
22 sions abroad), the home agency of the advisor, and
23 the offices in which such advisors serve.

1 **SEC. 5328. INTERNATIONAL FAIRS AND EXPOSITIONS.**

2 There is authorized to be appropriated \$20,000,000
3 for the Department of State for United States participa-
4 tion in international fairs and expositions abroad, includ-
5 ing for construction and the operation of United States
6 pavilions or other major exhibits.

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

10 **SEC. 5401. DEFINITIONS.**

11 In this title:

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

16 (2) **DEMOGRAPHIC DATA.**—The term “demo-
17 graphic data” means facts or statistics relating to
18 the demographic categories specified in the Office of
19 Management and Budget statistical policy directive
20 entitled “Standards for Maintaining, Collecting, and
21 Presenting Federal Data on Race and Ethnicity”
22 (81 Fed. Reg. 67398).

23 (3) **DIVERSITY.**—The term “diversity” means
24 those classes of persons protected under the Civil
25 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 contract;

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

17 (E) individuals other than Locally Em-
18 ployed Staff working in the Department of
19 State under any other authority.

20 **SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION**
21 **OF 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 5401(4), and the percentages cor-
23 responding 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;

7 (H) expanding the use of paid internships;
8 and

9 (I) supporting recruiting and hiring oppor-
10 tunities through—

11 (i) the Charles B. Rangel Inter-
12 national Affairs Fellowship Program;

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

15 (iii) other initiatives, including agen-
16 cy-wide policy initiatives.

17 (e) ANNUAL UPDATES.—Not later than 1 year after
18 the publication of the report required under subsection (a)
19 and annually thereafter for the following 5 years, the Sec-
20 retary shall work with the Director of the Office of Per-
21 sonnel Management and the Director of the Office of Man-
22 agement and Budget to provide a report to the appro-
23 priate congressional committees, which shall be posted on
24 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. 5403. EXIT INTERVIEWS FOR WORKFORCE.**

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

1 Human Resources or its equivalent shall provide an oppor-
2 tunity for an exit interview to each individual in the work-
3 force of the Department who separates from service with
4 the Department to better understand the reasons of such
5 individual for leaving such service.

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

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

15 (2) whether to implement any policy changes or
16 include any recommendations in a report required
17 under subsection (a) or (e) of section 5402 relating
18 to the determination reached pursuant to paragraph
19 (1).

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

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

25 (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. 5404. RECRUITMENT AND RETENTION.**

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

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

17 (2) instruct the Director General of the Foreign
18 Service and the Director of the Bureau of Human
19 Resources of the Department 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) shall include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) EXTERNAL ADVISORY COMMITTEES AND
2 BOARDS.—For each external advisory committee or board
3 to which individuals in senior positions in the Department
4 appoint members, the Secretary is strongly encouraged by
5 Congress to ensure such external advisory committee or
6 board is developed, reviewed, and carried out by qualified
7 teams that represent the diversity of the organization.

8 **SEC. 5406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES**
9 **AND TOOLS.**

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

12 (1) IN GENERAL.—The Secretary is authorized
13 to expand professional development opportunities
14 that support the mission needs of the Department,
15 such as—

16 (A) academic programs;

17 (B) private-public exchanges; and

18 (C) detail assignments to relevant positions

19 in—

20 (i) private or international organiza-
21 tions;

22 (ii) State, local, and Tribal govern-
23 ments;

24 (iii) other branches of the Federal
25 Government; or

1 (iv) professional schools of inter-
2 national affairs.

3 (2) TRAINING FOR SENIOR POSITIONS.—

4 (A) IN GENERAL.—The Secretary shall
5 offer, or sponsor members of the workforce to
6 participate in, a Senior Executive Service can-
7 didate development program or other program
8 that trains members on the skills required for
9 appointment to senior positions in the Depart-
10 ment.

11 (B) REQUIREMENTS.—In determining
12 which members of the workforce are granted
13 professional development or career advancement
14 opportunities under subparagraph (A), the Sec-
15 retary shall—

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

23 (ii) consider the number of expected
24 vacancies in senior positions as a factor in

1 determining the number of candidates to
2 select for such programs;

3 (iii) understand how participation in
4 any program offered or sponsored by the
5 Department under such subparagraph dif-
6 fers by gender, race, national origin, dis-
7 ability status, or other demographic cat-
8 egories; and

9 (iv) actively encourage participation
10 from a range of demographic categories,
11 especially from categories with consistently
12 low participation.

13 **SEC. 5407. EXAMINATION AND ORAL ASSESSMENT FOR THE**
14 **FOREIGN SERVICE.**

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

23 (b) FOREIGN SERVICE EXAMINATIONS.—Section
24 301(b) of the Foreign Service Act of 1980 (22 U.S.C.
25 3941) is amended—

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

2 “(1) The Secretary”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(2) The Secretary shall ensure that the Board of
6 Examiners for the Foreign Service annually offers the oral
7 assessment examinations described in paragraph (1) in
8 cities, chosen on a rotating basis, located in at least five
9 cities in three different time zones across the United
10 States.”.

11 **SEC. 5408. PAYNE FELLOWSHIP AUTHORIZATION.**

12 (a) IN GENERAL.—Undergraduate and graduate
13 components of the Donald M. Payne International Devel-
14 opment Fellowship Program may conduct outreach to at-
15 tract outstanding students with an interest in pursuing
16 a Foreign Service career who represent diverse ethnic and
17 socioeconomic backgrounds.

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

21 **SEC. 5409. VOLUNTARY PARTICIPATION.**

22 (a) IN GENERAL.—Nothing in this title should be
23 construed so as to compel any employee to participate in
24 the collection of the data or divulge any personal informa-
25 tion. Department employees shall be informed that their

1 participation in the data collection contemplated by this
2 title is voluntary.

3 (b) PRIVACY PROTECTION.—Any data collected
4 under this title shall be subject to the relevant privacy pro-
5 tection statutes and regulations applicable to Federal em-
6 ployees.

7 **TITLE V—INFORMATION**
8 **SECURITY**

9 **SEC. 5501. DEFINITIONS.**

10 In this title:

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

15 (2) RELEVANT CONGRESSIONAL COMMIT-
16 TEES.—The term “relevant congressional commit-
17 tees” means—

18 (A) the appropriate congressional commit-
19 tees;

20 (B) the Select Committee on Intelligence
21 of the Senate; and

22 (C) the Permanent Select Committee on
23 Intelligence of the House of Representatives.

1 **SEC. 5502. LIST OF CERTAIN TELECOMMUNICATIONS PRO-**
2 **VIDERS.**

3 (a) **LIST OF COVERED CONTRACTORS.**—Not later
4 than 30 days after the date of the enactment of this Act,
5 the Secretary, in consultation with the Director of Na-
6 tional Intelligence, shall develop or maintain, as the case
7 may be, and update as frequently as the Secretary deter-
8 mines appropriate, a list of covered contractors with re-
9 spect to which the Department should seek to avoid enter-
10 ing into contracts. Not later than 30 days after the initial
11 development of the list under this subsection, any update
12 thereto, and annually thereafter for 5 years after such ini-
13 tial 30 day period, the Secretary shall submit to the appro-
14 priate congressional committees a copy of such list.

15 (b) **COVERED CONTRACTOR DEFINED.**—In this sec-
16 tion, the term “covered contractor” means a provider of
17 telecommunications, telecommunications equipment, or in-
18 formation technology equipment, including hardware, soft-
19 ware, or services, that has knowingly assisted or facilitated
20 a cyber attack or conducted surveillance, including passive
21 or active monitoring, carried out against—

22 (1) the United States by, or on behalf of, any
23 government, or persons associated with such govern-
24 ment, listed as a cyber threat actor in the intel-
25 ligence community’s 2017 assessment of worldwide
26 threats to United States national security or any

1 subsequent worldwide threat assessment of the intel-
2 ligence community; or

3 (2) individuals, including activists, journalists,
4 opposition politicians, or other individuals for the
5 purposes of suppressing dissent or intimidating crit-
6 ics, on behalf of a country included in the annual
7 country reports on human rights practices of the
8 Department for systematic acts of political repres-
9 sion, including arbitrary arrest or detention, torture,
10 extrajudicial or politically motivated killing, or other
11 gross violations of human rights.

12 **SEC. 5503. PRESERVING RECORDS OF ELECTRONIC COM-**
13 **MUNICATIONS CONDUCTED RELATED TO OF-**
14 **FICIAL DUTIES OF POSITIONS IN THE PUBLIC**
15 **TRUST OF THE AMERICAN PEOPLE.**

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

1 cials or other foreign entities which may seek to influence
2 United States Government policies and actions.

3 (b) PUBLICATION.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary shall pub-
5 lish in the Foreign Affairs Manual guidance implementing
6 chapter 31 of title 44, United States Code (commonly re-
7 ferred to as the “Federal Records Act”), to treat elec-
8 tronic messaging systems, software, and applications as
9 equivalent to electronic mail for the purpose of identifying
10 Federal records, and shall also publish in the Foreign Af-
11 fairs Manual the statutory penalties for failure to comply
12 with such guidance. Beginning on the date that is 180
13 days after the date of the enactment of this Act, no funds
14 are authorized to be appropriated or made available to the
15 Department of State under any Act to support the use
16 or establishment of accounts on third-party messaging ap-
17 plications or other non-Government online communication
18 tools if the Secretary does not certify to the relevant con-
19 gressional committees that the Secretary has carried out
20 this section. The prohibition described in this subsection
21 shall not apply to warden or embassy security messages.

22 **SEC. 5504. FOREIGN RELATIONS OF THE UNITED STATES**
23 **(FRUS) SERIES AND DECLASSIFICATION.**

24 The State Department Basic Authorities Act of 1956
25 is amended—

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

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

5 (A) in subsection (a)(1), by striking
6 “30” and inserting “25”; and

7 (B) in subsection (c)(1)(C), by striking
8 “30” and inserting “25”.

9 **SEC. 5505. VULNERABILITY DISCLOSURE POLICY AND BUG**
10 **BOUNTY PILOT PROGRAM.**

11 (a) DEFINITIONS.—In this section:

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

19 (2) DEPARTMENT.—The term “Department”
20 means the Department of State.

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

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of State.

3 (b) DEPARTMENT OF STATE VULNERABILITY DIS-
4 CLOSURE PROCESS.—

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

10 (A) providing security researchers with
11 clear guidelines for—

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

15 (ii) submitting discovered security
16 vulnerabilities to the Department; and

17 (B) creating Department procedures and
18 infrastructure to receive and fix discovered
19 vulnerabilities.

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

22 (A) identify which Department information
23 technology should be included in the process;

1 (B) determine whether the process should
2 differentiate among and specify the types of se-
3 curity vulnerabilities that may be targeted;

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

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

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

20 (F) consult with the relevant offices at the
21 Department of Defense that were responsible
22 for launching the 2016 Vulnerability Disclosure
23 Program, “Hack the Pentagon”, and subse-
24 quent Department of Defense bug bounty pro-
25 grams;

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

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

9 (3) ANNUAL REPORTS.—Not later than 180
10 days after the establishment of the VDP under para-
11 graph (1) and annually thereafter for the next 5
12 years, the Secretary of State shall submit to the
13 Committee on Foreign Relations of the Senate and
14 the Committee on Foreign Affairs of the House of
15 Representatives a report on the VDP, including in-
16 formation relating to the following:

17 (A) The number and severity, in accord-
18 ance with the National Vulnerabilities Database
19 of the National Institute of Standards and
20 Technology, of security vulnerabilities reported.

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

23 (C) The current number of outstanding
24 previously unidentified security vulnerabilities
25 and Department of State remediation plans.

1 (D) The average length of time between
2 the reporting of security vulnerabilities and re-
3 mediation of such vulnerabilities.

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

8 (F) Any other information the Secretary
9 determines relevant.

10 (c) DEPARTMENT OF STATE BUG BOUNTY PILOT
11 PROGRAM.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, the Secretary
14 shall establish a bug bounty pilot program to mini-
15 mize security vulnerabilities of internet-facing infor-
16 mation technology of the Department.

17 (2) REQUIREMENTS.—In establishing the pilot
18 program described in paragraph (1), the Secretary
19 shall—

20 (A) provide compensation for reports of
21 previously unidentified security vulnerabilities
22 within the websites, applications, and other
23 internet-facing information technology of the
24 Department that are accessible to the public;

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

6 (C) identify which Department information
7 technology should be included in such pilot pro-
8 gram;

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

17 (E) consult with the relevant offices at the
18 Department of Defense that were responsible
19 for launching the 2016 "Hack the Pentagon"
20 pilot program and subsequent Department of
21 Defense bug bounty programs;

22 (F) develop a process by which an ap-
23 proved individual, organization, or company can
24 register with the entity referred to in subpara-
25 graph (B), submit to a background check as de-

1 terminated by the Department, and receive a de-
2 termination as to eligibility for participation in
3 such pilot program;

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

8 (H) consult with relevant United States
9 Government officials to ensure that such pilot
10 program complements persistent network and
11 vulnerability scans of the Department of State's
12 internet-accessible systems, such as the scans
13 conducted pursuant to Binding Operational Di-
14 rective BOD-15-01.

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

18 (4) REPORT.—Not later than 180 days after
19 the date on which the bug bounty pilot program
20 under subsection (a) is completed, the Secretary
21 shall submit to the Committee on Foreign Relations
22 of the Senate and the Committee on Foreign Affairs
23 of the House of Representatives a report on such
24 pilot program, including information relating to—

1 (A) the number of approved individuals,
2 organizations, or companies involved in such
3 pilot program, broken down by the number of
4 approved individuals, organizations, or compa-
5 nies that—

6 (i) registered;

7 (ii) were approved;

8 (iii) submitted security vulnerabilities;

9 and

10 (iv) received compensation;

11 (B) the number and severity, in accordance
12 with the National Vulnerabilities Database of
13 the National Institute of Standards and Tech-
14 nology, of security vulnerabilities reported as
15 part of such pilot program;

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

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

22 (E) the average length of time between the
23 reporting of security vulnerabilities and remedi-
24 ation of such vulnerabilities;

1 (F) the types of compensation provided
2 under such pilot program; and

3 (G) the lessons learned from such pilot
4 program.

5 **TITLE VI—PUBLIC DIPLOMACY**

6 **SEC. 5601. SHORT TITLE.**

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

9 **SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EF-** 10 **FORTS.**

11 The Secretary shall—

12 (1) identify opportunities for greater efficiency
13 of operations, including through improved coordina-
14 tion of efforts across public diplomacy bureaus and
15 offices of the Department; and

16 (2) maximize shared use of resources between,
17 and within, such public diplomacy bureaus and of-
18 fices in cases in which programs, facilities, or admin-
19 istrative functions are duplicative or substantially
20 overlapping.

21 **SEC. 5603. IMPROVING RESEARCH AND EVALUATION OF** 22 **PUBLIC DIPLOMACY.**

23 (a) **RESEARCH AND EVALUATION ACTIVITIES.**—The
24 Secretary, acting through the Director of Research and
25 Evaluation appointed pursuant to subsection (b), shall—

1 (1) conduct regular research and evaluation of
2 public diplomacy programs and activities of the De-
3 partment, including through the routine use of audi-
4 ence research, digital analytics, and impact evalua-
5 tions, to plan and execute such programs and activi-
6 ties; and

7 (2) make available to Congress the findings of
8 the research and evaluations conducted under para-
9 graph (1).

10 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

11 (1) APPOINTMENT.—Not later than 90 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall appoint a Director of Research and
14 Evaluation (referred to in this subsection as the
15 “Director”) in the Office of Policy, Planning, and
16 Resources for Public Diplomacy and Public Affairs
17 of the Department.

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

22 (3) RESPONSIBILITIES.—The Director shall—

23 (A) coordinate and oversee the research
24 and evaluation of public diplomacy programs
25 and activities of the Department in order to—

1 (i) improve public diplomacy strate-
2 gies and tactics; and

3 (ii) ensure that such programs and
4 activities are increasing the knowledge, un-
5 derstanding, and trust of the United
6 States by relevant target audiences;

7 (B) routinely organize and oversee audi-
8 ence research, digital analytics, and impact
9 evaluations across all public diplomacy bureaus
10 and offices of the Department;

11 (C) support United States diplomatic
12 posts' public affairs sections;

13 (D) share appropriate public diplomacy re-
14 search and evaluation information within the
15 Department and with other appropriate Federal
16 departments and agencies;

17 (E) regularly design and coordinate stand-
18 ardized research questions, methodologies, and
19 procedures to ensure that public diplomacy pro-
20 grams and activities across all public diplomacy
21 bureaus and offices are designed to meet appro-
22 priate foreign policy objectives; and

23 (F) report biannually to the United States
24 Advisory Commission on Public Diplomacy,
25 through the Subcommittee on Research and

1 Evaluation established pursuant to subsection
2 (f), regarding the research and evaluation of all
3 public diplomacy bureaus and offices.

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

15 (c) PRIORITIZING RESEARCH AND EVALUATION.—

16 (1) IN GENERAL.—The head of the Office of
17 Policy, Planning, and Resources for Public Diplo-
18 macy and Public Affairs of the Department shall en-
19 sure that research and evaluation of public diplo-
20 macy and activities of the Department, as coordi-
21 nated and overseen by the Director pursuant to sub-
22 section (b), supports strategic planning and resource
23 allocation across all public diplomacy bureaus and
24 offices of the Department.

1 (2) ALLOCATION OF RESOURCES.—Amounts al-
2 located for the purpose of research and evaluation of
3 public diplomacy programs and activities of the De-
4 partment pursuant to subsection (b) shall be made
5 available to be disbursed at the direction of the Di-
6 rector of Research and Evaluation among the re-
7 search and evaluation staff across all public diplo-
8 macy bureaus and offices of the Department.

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

18 (d) LIMITED EXEMPTION RELATING TO THE PAPER-
19 WORK REDUCTION ACT.—Chapter 35 of title 44, United
20 States Code (commonly known as the “Paperwork Reduc-
21 tion Act”) shall not apply to the collection of information
22 directed at any individuals conducted by, or on behalf of,
23 the Department of State for the purpose of audience re-
24 search, monitoring, and evaluations, and in connection

1 with the Department's activities conducted pursuant to
2 any of the following:

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

5 (2) Section 1287 of the National Defense Au-
6 thorization Act for Fiscal Year 2017 (Public Law
7 114-328; 22 U.S.C. 2656 note).

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

10 (e) LIMITED EXEMPTION RELATING TO THE PRI-
11 VACY ACT.—

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

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

21 (1) shall be—

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

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