

115TH CONGRESS
1ST SESSION

S. 1631

To authorize the Department of State for Fiscal Year 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2017

Mr. CORKER introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the Department of State for Fiscal Year 2018, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of State Authorities Act, Fiscal Year 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 101. Sense of Congress on importance of Department of State’s work.
Sec. 102. Reorganization authority.

- Sec. 103. National diplomacy and development strategy.
- Sec. 104. Office of Global Women's Issues.
- Sec. 105. Office of International Religious Freedom.
- Sec. 106. Bureau of Democracy, Human Rights, and Labor.
- Sec. 107. Assistant Secretary for International Narcotics and Law Enforcement Affairs.
- Sec. 108. Office of International Disability Rights.

TITLE II—EMBASSY CONSTRUCTION

- Sec. 201. Standard design in capital construction.
- Sec. 202. Capital construction transparency.
- Sec. 203. Contractor performance information.
- Sec. 204. Growth projections for new embassies and consulates.
- Sec. 205. Consolidation of small diplomatic posts.
- Sec. 206. Long-range planning process.
- Sec. 207. Value engineering and risk assessment.
- Sec. 208. Business volume.
- Sec. 209. Comptroller General report on project management skills.
- Sec. 210. Embassy security requests and deficiencies.

TITLE III—PERSONNEL ISSUES

- Sec. 301. Special appointments.
- Sec. 302. Defense Base Act insurance waivers.
- Sec. 303. Allowances.
- Sec. 304. Science and technology fellowships.
- Sec. 305. Travel for separated families.
- Sec. 306. Home leave travel for separated families.

TITLE IV—DIVERSITY

- Sec. 401. Definitions.
- Sec. 402. Collection, analysis, and dissemination of workforce data.
- Sec. 403. Exit interviews or surveys.
- Sec. 404. Recruitment.
- Sec. 405. Payne fellowship authorization.
- Sec. 406. Voluntary participation.

TITLE V—INFORMATION SECURITY

- Sec. 501. Definitions.
- Sec. 502. Information technology system security.
- Sec. 503. Improving FOIA process.
- Sec. 504. Annual report on security violations.
- Sec. 505. Classified information spillage.
- Sec. 506. Emergency refresher training on the handling of classified information.

TITLE VI—PUBLIC DIPLOMACY

- Sec. 601. American Spaces review.
- Sec. 602. Improving research and evaluation of public diplomacy.

TITLE VII—COMBATING PUBLIC CORRUPTION

- Sec. 701. Definitions.
- Sec. 702. Sense of Congress.

Sec. 703. Annual report.

Sec. 704. Additional factors for assessing government efforts to combat public corruption.

Sec. 705. Designation of embassy anti-corruption points of contact.

Sec. 706. Interagency working group.

Sec. 707. Transparency and accountability.

Sec. 708. Resources and reporting requirements.

TITLE VIII—MISCELLANEOUS

Sec. 801. Recurring reports.

Sec. 802. Case-Zablocki reform.

Sec. 803. Reporting on implementation of GAO recommendations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

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

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

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

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

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

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

1 **TITLE I—ORGANIZATION OF THE**
2 **DEPARTMENT OF STATE**

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

5 It is the sense of Congress that—

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

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

11 (3) challenges such as the global refugee and
12 migration crises, terrorism, historic famine and food
13 insecurity, and fragile or repressive societies cannot
14 be addressed without sustained and robust United
15 States diplomatic and development leadership;

16 (4) the United States Government must use all
17 of the instruments of national security and foreign
18 policy at our disposal to protect United States citi-
19 zens, promote United States interests and values,
20 and support global stability and prosperity;

21 (5) United States security and prosperity de-
22 pend on having partners and allies who share our in-
23 terests and values, and these partnerships are nur-
24 tured through United States diplomatic engagement,
25 security partnership, economic statecraft, and assist-

1 ance that helps to develop shared responses to nat-
2 ural and humanitarian disasters, economic develop-
3 ment, and good governance, including the rule of law
4 and democratic institutions;

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

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

1 (8) the Department and USAID are vital na-
2 tional security agencies, whose work is critical to the
3 projection of American power and leadership world-
4 wide, and without which Americans would be less
5 safe, our economic power would be diminished, and
6 global stability and prosperity would suffer.

7 **SEC. 102. REORGANIZATION AUTHORITY.**

8 (a) NOTIFICATION.—Not later than 60 days before
9 the Office of Management and Budget (OMB) submits its
10 final Government-wide Reform Plan pursuant to the
11 March 31, 2017, Executive Order 13781 entitled, “Com-
12 prehensive Plan for Reorganizing the Executive Branch”,
13 the Secretary, in coordination with the Director of OMB
14 and the USAID Administrator, shall report to the appro-
15 priate congressional committees on the details of the plans
16 for the reorganization of the Department and USAID.

17 (b) ELEMENTS.—The report referred to in subsection
18 (a) may be a brief or a written report and shall include
19 the following elements:

20 (1) The principles and goals of such reorganiza-
21 tion.

22 (2) The justification for the reorganization.

23 (3) An assessment of the projected impact of
24 the reorganization.

1 (4) Recommendations for any legislative au-
2 thorities required to implement the proposed reorga-
3 nization.

4 (c) CONSULTATION.—Not later than 30 days after
5 the notification referred to in subsection (a), the Sec-
6 retary, in coordination with the Director of OMB and the
7 USAID Administrator, shall consult with the appropriate
8 congressional committees regarding the reorganization
9 plan.

10 (d) REPORTING OR BRIEFING REQUIREMENT.—Not
11 later than 60 days after the notification referred to in sub-
12 section (a), the Secretary, in coordination with the Direc-
13 tor of OMB and the USAID Administrator, shall—

14 (1) brief or submit a report to the appropriate
15 congressional committees on how advice received
16 pursuant to subsection (c) will be incorporated into
17 the reform plan; or

18 (2) submit the plan to such committees.

19 (e) TEMPORARY LIMITATION.—The Department and
20 USAID may not implement any provisions of the Govern-
21 ment-wide Reform Plan until 30 days after the plan is
22 submitted pursuant to subsection (a).

23 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed as superseding any law that re-

1 quires the establishment of certain bureaus and offices of
2 the Department or USAID.

3 **SEC. 103. NATIONAL DIPLOMACY AND DEVELOPMENT**
4 **STRATEGY.**

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

7 (1) the latest iteration of the Joint Strategic
8 Plan developed by the Department and USAID does
9 not adequately address the strategic priorities of the
10 United States, identify key threats and opportuni-
11 ties, or offer the rationale for making hard choices
12 with regard to limited resources; and

13 (2) additional requirements to the Joint Stra-
14 tegic Plan are necessary to encourage the develop-
15 ment of a national diplomacy and development strat-
16 egy, elements of which shall be provided to Congress
17 in classified form.

18 (b) ENHANCEMENT OF JOINT STRATEGIC PLAN FOR
19 THE DEPARTMENT AND USAID.—In addition to meeting
20 the requirements described in section 306 of title 5,
21 United States Code, the strategic plan developed by the
22 Department and USAID shall—

23 (1) refer to and support the most recent na-
24 tional security strategy report submitted pursuant to

1 section 108 of the National Security Act of 1947
2 (50 U.S.C. 3043);

3 (2) be integrated and coordinated with other
4 relevant national-level plans and with the strategic
5 plans of other Federal departments and agencies, in-
6 cluding the current National Defense Strategy;

7 (3) prioritize the leading worldwide diplomatic
8 and development interests and objectives of the
9 United States and the leading threats and challenges
10 associated with those interests and objectives;

11 (4) identify the major diplomatic, economic, and
12 assistance approaches designed to support and fur-
13 ther the worldwide interests, goals, commitments,
14 and policies that are vital to the national security of
15 the United States;

16 (5) describe how the diplomatic and develop-
17 ment community will utilize personnel, partnerships,
18 alliances, industry, technology, international and
19 nongovernmental organizations, and other capabili-
20 ties to execute the efforts described in paragraph
21 (4);

22 (6) outline the organizational roles and missions
23 of the elements of the diplomatic and development
24 community as part of an integrated enterprise, and
25 how those elements coordinate and collaborate with

1 other Federal departments and agencies supporting
2 the national security strategy of the United States;

3 (7) include an assessment of each bureau head-
4 ed by an Assistant Secretary of State or an Assist-
5 ant Administrator of USAID regarding its current
6 and anticipated contribution to the overall strategic
7 plan, including analysis of personnel, responsibilities,
8 performance, and chain of management;

9 (8) identify sources of strategic, institutional,
10 programmatic, fiscal, and technological risk;

11 (9) analyze factors that may affect the diplo-
12 matic and development community's performance in
13 pursuing the efforts described in paragraph (4) dur-
14 ing the following 10-year period; and

15 (10) identify extraordinary resources and statu-
16 tory authorities that may be necessary to implement
17 this strategy.

18 (c) FORM.—The plan required under subsection (b)
19 shall be transmitted in both classified and unclassified
20 form.

21 (d) SUBMISSION TO CONGRESS.—Not later than 30
22 days after submission of the strategic plan required under
23 section 306 of title 5, United States Code, the Secretary
24 shall submit the classified annex under subsection (c) to
25 the appropriate congressional committees and to the Com-

1 mittees on Armed Services of the Senate and the House
2 of Representatives.

3 **SEC. 104. OFFICE OF GLOBAL WOMEN'S ISSUES.**

4 (a) IN GENERAL.—The Secretary should establish an
5 Office of Global Women's Issues (referred to in this sec-
6 tion as the “Office”), and place the Office within the De-
7 partment as the Secretary sees fit.

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

12 (c) DUTIES.—The Office—

13 (1) should serve as the principal advisor to the
14 Secretary regarding gender equality, women's em-
15 powerment, and violence against women and girls as
16 a foreign policy matter;

17 (2) should represent the United States in diplo-
18 matic and multilateral fora on matters relevant to
19 the status of women and girls;

20 (3) should advise the Secretary and provide
21 input on all activities, policies, programs, and fund-
22 ing relating to gender equality and the advancement
23 of women and girls internationally for all bureaus
24 and offices of the Department and in the inter-
25 national programs of all other Federal agencies;

1 (4) should work to ensure that efforts to ad-
2 vance gender equality and women’s empowerment
3 are fully integrated into the programs, structures,
4 processes, and capacities of all bureaus and offices
5 of the Department and in the international pro-
6 grams of other Federal agencies;

7 (5) should direct, as appropriate, United States
8 resources to respond to needs for gender equality
9 and empowerment of women in United States for-
10 eign policies and international programs;

11 (6) may design, support, and implement activi-
12 ties regarding empowerment of women internation-
13 ally; and

14 (7) should conduct regular consultation with
15 civil society organizations working to advance gender
16 equality and empower women and girls internation-
17 ally.

18 (d) SUPERVISION.—The Office should be headed
19 by—

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

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

1 (e) REPORT.—Not later than 180 days after the date
 2 of the enactment of this Act, the Secretary shall provide
 3 a report or briefing to the appropriate congressional com-
 4 mittees of the steps taken to fulfill the duties of the Office
 5 set forth in subsection (c).

6 **SEC. 105. OFFICE OF INTERNATIONAL RELIGIOUS FREE-**
 7 **DOM.**

8 (a) IN GENERAL.—Section 101(c)(4) of the Inter-
 9 national Religious Freedom Act of 1998 (22 U.S.C.
 10 6411(c)(4)) is amended—

11 (1) in subparagraph (A), by striking “; and”
 12 and inserting a semicolon;

13 (2) in subparagraph (B), by striking the period
 14 at the end and inserting “; and”; and

15 (3) by adding at the end the following new sub-
 16 paragraph:

17 “(C) shall supervise any special envoy, spe-
 18 cial representative, or office with responsibility
 19 for protecting international religious freedom,
 20 protecting religious minorities, or advising the
 21 Secretary on matters relating to religion.”.

22 (b) IN GENERAL.—Section 59(a)(2) of the State De-
 23 partment Basic Authorities Act of 1956 is amended by
 24 adding at the end the following new subparagraph:

1 “(C) OVERSIGHT.—To promote a cohesive
 2 and integrated foreign policy regarding inter-
 3 national religious freedom, the Special Envoy
 4 shall be placed under the supervision of the
 5 Ambassador at Large for International Reli-
 6 gious Freedom.”.

7 **SEC. 106. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**
 8 **LABOR.**

9 (a) IN GENERAL.—Subtitle A of the ADVANCE De-
 10 mocracy Act of 2007 (22 U.S.C. 8211 et seq.) is amended
 11 by adding at the end the following new section:

12 **“SEC. 2114. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**
 13 **LABOR.**

14 “(a) ESTABLISHMENT.—There should be established
 15 in the Department a Bureau of Democracy, Human
 16 Rights, and Labor (referred to in this section as the ‘Bu-
 17 reau’), which should be headed by the Assistant Secretary.
 18 All special envoys, ambassadors, and coordinators located
 19 within the Bureau shall report directly to the Assistant
 20 Secretary.

21 “(b) DUTIES.—The Bureau is authorized—

22 “(1) to promote democracy and actively support
 23 human rights throughout the world in accordance
 24 with this subtitle;

1 “(2) to promote the rule of law and good gov-
2 ernance throughout the world;

3 “(3) to strengthen civil society programs and
4 organizations;

5 “(4) to produce the annual Country Reports on
6 Human Rights, in conjunction with embassies and
7 regional bureaus;

8 “(5) to lead the implementation of section
9 620M of the Foreign Assistance Act of 1961 (22
10 U.S.C. 2378d; commonly known as the ‘Leahy Law’)
11 and the Child Soldiers Act (22 U.S.C. 2370c et
12 seq.), and to implement those provisions of the Arms
13 Export Control Act (22 U.S.C. 2751 et seq.) related
14 to human rights concerns; and

15 “(6) coordinate programs to implement the May
16 2011 Department of State International Cyberspace
17 Policy Strategy.

18 “(c) BILATERAL ECONOMIC ASSISTANCE PRO-
19 GRAMS.—The Bureau is authorized to provide bilateral
20 economic assistance from amounts appropriated or other-
21 wise made available for the Economic Support Fund and
22 other foreign assistance accounts to support activities de-
23 scribed in subsection (b) and for the purpose of oversight
24 and control of—

25 “(1) the Human Rights and Democracy Fund;

1 “(2) the Human Rights Defenders Fund;
 2 “(3) the Global Equality Fund;
 3 “(4) the Global Anti-Corruption Consortium;
 4 and

5 “(5) the Global Internet Freedom Fund;
 6 “(d) EFFICIENCY.—The Assistant Secretary shall
 7 take whatever actions may be necessary to minimize the
 8 duplication of efforts within the Bureau.

9 “(e) LOCAL OVERSIGHT.—United States missions, to
 10 the extent practicable, should assist in exercising oversight
 11 authority and coordinate with the Bureau to ensure that
 12 funds are appropriately used and comply with anti-corruption
 13 practices.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 in section 1(b) of the Implementing Recommendations of
 16 the 9/11 Commission Act of 2007 (Public Law 110–53)
 17 is amended by inserting after the item relating to section
 18 2113 the following new item:

“2114. Bureau of Democracy, Human Rights, and Labor.”.

19 **SEC. 107. ASSISTANT SECRETARY FOR INTERNATIONAL**
 20 **NARCOTICS AND LAW ENFORCEMENT AFFAIRS.**
 21 **FAIRS.**

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

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

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

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

6 “(A) IN GENERAL.—There should be in
7 the Department of State an Assistant Secretary
8 for International Narcotics and Law Enforce-
9 ment Affairs who should be responsible to the
10 Secretary for matters pertaining to inter-
11 national narcotics and law enforcement affairs
12 in the conduct of foreign policy and such other
13 related duties as the Secretary may from time
14 to time designate.

15 “(B) AREAS OF RESPONSIBILITY.—The
16 Assistant Secretary for International Narcotics
17 and Law Enforcement Affairs should maintain
18 continuous observation of and review all mat-
19 ters pertaining to international narcotics and
20 law enforcement in the conduct of foreign pol-
21 icy, including the following matters:

22 “(i) Combatting international nar-
23 cotics production and trafficking, including
24 the illicit cultivation of crops used to
25 produce narcotics.

1 “(ii) Strengthening foreign justice sys-
2 tems, including judicial and prosecutorial
3 capacity, appeals systems, law enforcement
4 agencies, and prison systems.

5 “(iii) Training foreign military and
6 police, including vetting all foreign per-
7 sonnel who receive such assistance from
8 the United States Government.

9 “(iv) Ensuring the inclusion of human
10 rights issues in law enforcement programs,
11 in consultation with the Assistant Sec-
12 retary for Democracy, Human Rights, and
13 Labor.

14 “(v) Combating all forms of illicit
15 trafficking, including human trafficking
16 arms trafficking, and the illicit smuggling
17 of bulk cash.

18 “(vi) Identifying and responding to
19 global corruption, including strengthening
20 the capacity of foreign government institu-
21 tions responsible for addressing financial
22 crimes.”.

1 **SEC. 108. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

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

5 (b) DUTIES.—The Office should—

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

9 (2) promote the human rights and full partici-
10 pation of persons with disabilities in all international
11 development activities funded by the United States
12 Government; and

13 (3) promote disability inclusive practices and
14 the training of Department staff on soliciting quality
15 programs that are fully inclusive of people with dis-
16 abilities.

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

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

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

23 (d) CONFORMING AMENDMENT.—Section 579(b) of
24 the Foreign Operations, Export Financing, and Related
25 Programs Appropriations Act, 2005 (division D of Public
26 Law 108–447) is amended by striking subsection (b).

TITLE II—EMBASSY CONSTRUCTION

SEC. 201. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) FINDINGS.—Congress finds that the decision by the Department’s Bureau of Overseas Buildings Operations (“OBO”) to transition from Standard Embassy Design to Design Excellence has in some cases—

(1) increased the cost of building new embassies and consulates;

(2) delayed the move of thousands of staff from facilities that do not meet current security standards to new, secure facilities;

(3) exacerbated certain deficiencies in the quality of the Bureau’s program management; and

(4) been a factor in reduced competition for capital construction projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the OBO should give appropriate consideration to Standard Embassy Design, in which each new embassy and consulate starts with a standard design and keeps customization to a minimum.

(c) CONSULTATION.—The Secretary shall carry out any new embassy compound or new consulate compound project that is in the design phase or pre-design phase as of the date of the enactment of this Act and that utilizes

1 a non-standard design in consultation with the appropriate
2 congressional committees. The Department shall provide
3 the appropriate congressional committees, for each such
4 project, the following documentation:

5 (1) A comparison of the estimated full lifecycle
6 costs of the project to the estimated full lifecycle
7 costs of the project if it were to use a standard em-
8 bassy design.

9 (2) A comparison of the estimated completion
10 date of the project to the estimated completion date
11 of the project if it were to use a standard embassy
12 design.

13 (3) A comparison of the security of the com-
14 pleted project to the security of the completed
15 project if it were to use a standard embassy design.

16 (4) A justification for the Secretary's selection
17 of a non-standard design over a standard design for
18 the project.

19 (d) NON-STANDARD DESIGN DEFINED.—In this sec-
20 tion the term “non-standard design” means a new em-
21 bassy compound or new consulate compound design that
22 does not utilize a standardized design template for the
23 structural, spatial and security requirements of the com-
24 pound, or a new embassy compound or new consulate com-

1 pound project that does not utilize a design-build delivery
2 method.

3 **SEC. 202. CAPITAL CONSTRUCTION TRANSPARENCY.**

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

7 (1) in the section heading, by striking “**AN-**
8 **NUAL REPORT ON EMBASSY CONSTRUCTION**
9 **COSTS**” and inserting “**QUARTERLY REPORT ON**
10 **OVERSEAS CAPITAL CONSTRUCTION**
11 **PROJECTS**”; and

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

14 “(a) IN GENERAL.—Not later than 180 days after
15 the date of the enactment of this Act, and every 90 days
16 thereafter, the Secretary shall submit to the appropriate
17 congressional committees a comprehensive report regard-
18 ing all ongoing overseas capital construction projects and
19 major embassy security upgrade projects.

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

24 “(1) The initial cost estimate as specified in the
25 proposed allocation of capital construction and main-

1 tenance funds required by the Committees on Appro-
2 priations for Acts making appropriations for the De-
3 partment of State, foreign operations, and related
4 programs.

5 “(2) The current cost estimate.

6 “(3) The value of each request for equitable ad-
7 justment received by the Department of State to
8 date.

9 “(4) The value of each certified claim received
10 by the Department of State to date.

11 “(5) The value of any usage of the project’s
12 contingency fund to date and the value of the re-
13 mainder of the project’s contingency fund.

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

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

22 “(8) The date of estimated completion specified
23 in the proposed allocation of capital construction
24 and maintenance funds required by the Committees
25 on Appropriations not later than 45 days after that

1 date of the enactment of an Act making appropria-
2 tions for the Department of State, foreign oper-
3 ations, and related programs.

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

6 **SEC. 203. CONTRACTOR PERFORMANCE INFORMATION.**

7 (a) DEADLINE FOR COMPLETION.—The Secretary
8 shall complete all contractor performance evaluations re-
9 quired by subpart 42.15 of the Federal Acquisition Regu-
10 lation by October 1, 2020.

11 (b) PRIORITIZATION SYSTEM.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary
14 shall develop a prioritization system for clearing the
15 current backlog of required evaluations.

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

19 (A) Project completion evaluations should
20 be prioritized over annual evaluations.

21 (B) Evaluations for relatively large con-
22 tracts should have priority.

23 (C) Evaluations that would be particularly
24 informative for the awarding of government
25 contracts should have priority.

1 (c) BRIEFING.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall brief the
3 appropriate congressional committees on the Depart-
4 ment’s plan for completing all evaluations by October 1,
5 2020, and the prioritization system developed pursuant to
6 this section.

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

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

12 (2) the Department should develop a forum
13 where contractors can rate the Department’s project
14 management performance.

15 **SEC. 204. GROWTH PROJECTIONS FOR NEW EMBASSIES**
16 **AND CONSULATES.**

17 (a) IN GENERAL.—For each new embassy compound
18 (NEC) and new consulate compound project (NCC) in or
19 not yet in the design phase as of the date of the enactment
20 of this Act, the Office of Management Policy, Rightsizing,
21 and Innovation shall project growth over the estimated life
22 of the facility using all available and relevant data, includ-
23 ing—

1 (1) relevant historical trends for Department
 2 personnel and personnel from other agencies rep-
 3 resented at post;

4 (2) an analysis of the tradeoffs between risk
 5 and the needs of United States Government policy
 6 conducted as part of the most recent Vital Presence
 7 Validation Process, if applicable; and

8 (3) reasonable assumptions about the strategic
 9 importance of the post over the life of the building.

10 (b) OTHER AGENCIES.—Other agencies represented
 11 at the post shall provide to the Department, upon request,
 12 growth projections for their own personnel over the esti-
 13 mated life of the facility.

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

17 (d) ZERO NET GROWTH REQUIREMENT.—The
 18 growth assumed for NECs and NCCs pursuant to sub-
 19 section (c) should be offset by staff reductions at other
 20 posts such that there is zero net growth over the period
 21 covered by the Long-Range Overseas Building Plan re-
 22 quired under section 206.

23 **SEC. 205. CONSOLIDATION OF SMALL DIPLOMATIC POSTS.**

24 (a) NEW EMBASSIES AND CONSULATES.—Prior to
 25 initiating the site selection process for any new embassy

1 or consulate for a diplomatic post that has employed 10
2 or fewer United States Government employees on average
3 over the 3 years prior to the date of the enactment of
4 this Act, the Secretary shall conduct an analysis of alter-
5 natives, including consolidating such post with other near-
6 by diplomatic posts.

7 (b) NOTIFICATION.—Not later than 30 days after
8 conducting an analysis of alternatives pursuant to sub-
9 section (a), the Secretary shall notify the appropriate con-
10 gressional committees of the results of the analysis.

11 (c) EXISTING SMALL DIPLOMATIC POSTS.—Not later
12 than 305 days after the date of the enactment of this Act,
13 the Department shall complete a cost-benefit analysis for
14 maintaining any consulate that has employed five or fewer
15 United States Government employees on average over the
16 three years prior to the date of the enactment of this Act.
17 Each analysis shall include, at minimum—

- 18 (1) the full cost of maintaining the consulate;
19 (2) any policy value or value that other United
20 States Government tenants derive from having a
21 presence at such location;
22 (3) the value of having a consular presence in
23 such location, including for the provision of United
24 States citizen services;

1 (4) input from the consulate on any unique
2 operational or policy value it provides; and

3 (5) alternative locations for consular and
4 United States citizen services.

5 (d) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the Department shall brief
7 or report to Congress on the results of the analyses re-
8 quired under this section.

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

10 (a) PLANS REQUIRED.—

11 (1) IN GENERAL.—The Department shall annu-
12 ally develop—

13 (A) a comprehensive 6-year plan docu-
14 menting the Department’s overseas building
15 program for the replacement of the least secure
16 embassies and consulates around the world,
17 known as a Long-Range Overseas Buildings
18 Plan (LROBP); and

19 (B) a comprehensive 6-year plan detailing
20 the Department’s long-term planning for the
21 maintenance and sustainment of completed fa-
22 cilities, known as a Long-Range Overseas Main-
23 tenance Plan (LROMP).

24 (2) UPDATED INFORMATION.—The annual up-
25 dates of the plans developed pursuant to paragraph

1 (1) shall highlight any changes from the previous
2 year's plan to the ordering of construction and
3 maintenance projects.

4 (b) REPORTING REQUIREMENTS.—

5 (1) SUBMISSION OF PLANS TO CONGRESS.—Not
6 later than 60 days after the completion of the
7 LROBP and the LROMP, the Department shall
8 submit the plans to the appropriate congressional
9 committees.

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

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

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

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

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

6 (2) OBO has a Standard Operation Procedure,
7 dated March 7, 2005, on conducting risk assessment
8 studies in the International Project Risk Assessment
9 (IPRA) method on all international construction
10 projects.

11 (b) NOTIFICATION REQUIREMENTS.—

12 (1) SUBMISSION TO AUTHORIZING COMMIT-
13 TEES.—The proposed allocation of capital construc-
14 tion and maintenance funds that is required by the
15 Committees on Appropriations not later than 45
16 days after the date of the enactment of an Act mak-
17 ing appropriations for the Department of State, for-
18 eign operations, and related programs shall also be
19 submitted to the Committee on Foreign Relations of
20 the Senate and the Committee on Foreign Affairs of
21 the House of Representatives.

22 (2) REQUIREMENT TO CONFIRM COMPLETION
23 OF VALUE ENGINEERING AND RISK ASSESSMENT
24 STUDIES.—The notifications required under para-
25 graph (1) shall include confirmation that the De-

1 partment has completed the requisite VE and risk
2 assessment studies described in subsection (a).

3 (c) REPORTING AND BRIEFING REQUIREMENTS.—

4 The Department shall provide to the appropriate congres-
5 sional committees upon request—

6 (1) a description of each recommendation from
7 each study described in subsection (a) and a table
8 detailing which recommendations were accepted and
9 which were rejected; and

10 (2) a report or briefing detailing the rationale
11 for not implementing recommendations made by VE
12 studies that may yield significant cost savings to the
13 Department, if implemented.

14 **SEC. 208. BUSINESS VOLUME.**

15 Section 402(c)(2)(E) of the Omnibus Diplomatic Se-
16 curity and Antiterrorism Act of 1986 (22 U.S.C.
17 4852(c)(2)(E)) is amended by striking “in 3 years” and
18 inserting “cumulatively over 3 years”.

19 **SEC. 209. COMPTROLLER GENERAL REPORT ON PROJECT**
20 **MANAGEMENT SKILLS.**

21 Not later than 270 days after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall submit to the appropriate congressional com-
24 mittees a report on the Department’s development of con-

1 construction engineers and program management practices,
2 including—

3 (1) an evaluation of the Department's efforts
4 to—

5 (A) recruit qualified construction engi-
6 neers;

7 (B) improve the skills of its construction
8 engineers, especially in the area of project man-
9 agement; and

10 (C) rate the performance of its construc-
11 tion engineers, especially during their assign-
12 ments as project directors of new embassy com-
13 pounds or new consulate compounds;

14 (2) an evaluation of the Department's imple-
15 mentation of the Program Management Improve-
16 ment Accountability Act of 2016; and

17 (3) recommendations stemming from the eval-
18 uations conducted pursuant to paragraphs (1) and
19 (2).

20 **SEC. 210. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**
21

22 The Secretary shall provide to the appropriate con-
23 gressional committees upon request information on secu-
24 rity deficiencies at United States diplomatic posts, includ-
25 ing—

1 (1) requests made over the previous year by
 2 United States diplomatic posts abroad for security
 3 upgrades; and

4 (2) significant security deficiencies at United
 5 States diplomatic posts abroad that are not oper-
 6 ating out of a new embassy compound or new con-
 7 sulate compound.

8 **TITLE III—PERSONNEL ISSUES**

9 **SEC. 301. SPECIAL APPOINTMENTS.**

10 (a) REPORT ON POSITIONS.—Not later than 30 days
 11 after the date of the enactment of this Act, the Secretary
 12 shall submit to the appropriate congressional committees
 13 a report including—

14 (1) recommendations regarding whether to
 15 maintain in the Department each currently existing
 16 Special Envoy, Special Representative, Special Coor-
 17 dinator, Special Negotiator, Envoy, Representative,
 18 Coordinator, or Special Advisor, including those list-
 19 ed in the report submitted by the Department to the
 20 Committee on Foreign Relations of the Senate on
 21 April 14, 2017, pursuant to section 418 of the De-
 22 partment of State Authorities Act, Fiscal Year 2017
 23 (Public Law 114–323), that is not expressly author-
 24 ized by a provision of law enacted by Congress; and

1 (2) the justification supporting each of the Sec-
2 retary's recommendations made under paragraph
3 (1).

4 (b) ADVICE AND CONSENT.—Not later than 90 days
5 after the report required by subsection (a) is submitted
6 to the appropriate congressional committees, the Secretary
7 shall present any Special Envoy, Special Representative,
8 Special Coordinator, Special Negotiator, Envoy, Rep-
9 resentative, Coordinator, or Special Advisor that is to be
10 maintained by the Department and that is not expressly
11 authorized by a provision of law enacted by Congress to
12 the Committee on Foreign Relations for the advice and
13 consent of the Senate.

14 (c) RULE OF CONSTRUCTION REGARDING ESTAB-
15 LISHMENT OF POSITIONS.—Nothing in this section shall
16 be construed as prohibiting the Secretary from estab-
17 lishing or maintaining any Special Envoy, Special Rep-
18 resentative, Special Coordinator, Special Negotiator,
19 Envoy, Representative, Coordinator, or Special Advisor
20 position so long as the appointee is established for a speci-
21 fied term and presented to the Committee on Foreign Re-
22 lations for the advice and consent of the Senate within
23 90 days of appointment.

24 (d) LIMITED EXCEPTION FOR THE TEMPORARY AP-
25 POINTMENT.—The Secretary may maintain or establish a

1 position with the title Special Envoy, Special Representa-
 2 tive, Special Coordinator, Special Negotiator, or Special
 3 Advisor for a limited period not longer than 180 days
 4 without seeking the advice and consent of the Senate if
 5 the Secretary notifies the Committee on Foreign Relations
 6 of the Senate at least 15 days prior to appointment, in-
 7 cluding—

8 (1) a certification that the position is not ex-
 9 pected to demand the exercise of significant author-
 10 ity pursuant to the laws of the United States;

11 (2) a description of the duties and purpose of
 12 the appointment; and

13 (3) the rationale for assigning the specific title.

14 (e) RENEWAL OF TEMPORARY APPOINTMENT.—

15 Nothing in this section shall be construed as prohibiting
 16 the Secretary from renewing any position established
 17 under subsection (d) so long as the Secretary complies
 18 with the notification requirements contained therein.

19 (f) FUNDING RESTRICTIONS.—

20 (1) POSITIONS NOT PRESENTED FOR ADVICE
 21 AND CONSENT.—Beginning not later than 120 days
 22 after the date of the enactment of this Act, no funds
 23 may be obligated or expended for—

24 (A) any Special Envoy, Special Represent-
 25 ative, Special Coordinator, Special Negotiator,

1 Envoy, Representative, Coordinator, or Special
2 Advisor position at the Department exercising
3 significant authority pursuant to the laws of the
4 United States that is not being served by an in-
5 dividual who has been presented to the Com-
6 mittee on Foreign Relations for the advice and
7 consent of the Senate pursuant to subsection
8 (b); or

9 (B) any staff or resources related to such
10 a position until such time as the appointed indi-
11 vidual has been presented to the Committee on
12 Foreign Relations for the advice and consent of
13 the Senate.

14 (2) TEMPORARY POSITIONS.—No funds may be
15 obligated or expended for any position described in
16 subsection (d) or for any staff or resources related
17 to such position unless the Secretary has complied
18 with the notification provisions contained therein.

19 (g) CONFIRMATION FOR AUTHORIZED POSITIONS.—
20 No Special Envoy, Special Representative, Special Coordi-
21 nator, Special Negotiator, Envoy, Representative, Coordi-
22 nator, or Special Advisor authorized by a provision of law
23 enacted by Congress shall be appointed absent the advice
24 and consent of the Senate.

1 (h) ELIMINATION OF SPECIAL REPRESENTATIVE
2 AND POLICY COORDINATOR FOR BURMA.—Section 7 of
3 the Tom Lantos Block Burmese Jade Act of 2008 (Public
4 Law 110–286; 50 U.S.C. 1701 note) is hereby repealed.

5 **SEC. 302. DEFENSE BASE ACT INSURANCE WAIVERS.**

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

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

18 **SEC. 303. ALLOWANCES.**

19 (a) STATEMENT OF POLICY.—It is the policy of the
20 United States that—

21 (1) pay differentials for staffing overseas posts
22 should reflect the various factors affecting the desir-
23 ability of such posts, including the preference of em-
24 ployees bidding and the dangers or overall hardships
25 of serving in a particular location, as perceived by

1 the actual employees eligible to bid for positions in
2 such locations; and

3 (2) the Secretary should periodically analyze
4 fluctuations in such bidding patterns to ensure that
5 pay differentials reflect—

6 (A) the changing conditions in each post;
7 and

8 (B) the impact of staffing incentives
9 through pay differentials offered during the
10 previous year.

11 (b) STAFFING INCENTIVE.—

12 (1) IN GENERAL.—Chapter 59 of title 5, United
13 States Code, is amended—

14 (A) by striking sections 5925 and 5928;
15 and

16 (B) by inserting after section 5924 the fol-
17 lowing new section:

18 **“§ 5925. Staffing incentive**

19 “(a) AUTHORIZATION.—A staffing incentive, not to
20 exceed 70 percent of the basic pay of the employee, may
21 be granted to an employee serving at an overseas post
22 based on the recruitment and retention needs for filling
23 positions at that post if such incentive—

24 “(1) compensates the employee for conditions of
25 environment that are substantially and unfavorably

1 different than conditions of environment in the con-
2 tinental United States;

3 “(2) compensates the employee for exposure to
4 conditions of civil insurrection, civil war, terrorism,
5 or wartime conditions that threaten physical harm
6 or imminent danger to the health or well-being of
7 the employee; or

8 “(3) motivates the employee to serve at a post
9 that is in low demand despite compensation for
10 hardship and danger conditions.

11 “(b) EXTENDED DETAIL IN A FOREIGN AREA.—A
12 staffing incentive may be granted to an employee who is
13 officially stationed in the United States and is on extended
14 detail in a foreign area for as long as the employee con-
15 tinues to serve on such extended detail.

16 “(c) NOTIFICATION REQUIREMENT.—The Secretary
17 of State shall notify the appropriate congressional commit-
18 tees of—

19 “(1) the implementation of each staffing incen-
20 tive authorized under this section that applies to em-
21 ployees of the Department of State stationed at an
22 overseas post; and

23 “(2) each instance in which implementation of
24 a staffing incentive under this section for an over-
25 seas post results in an increase of 5 percent or more

1 or a decrease of 5 percent or more from the staffing
2 incentive offered for service at that post during the
3 previous year.

4 “(d) **HARDSHIP INDEX; DANGER LEVEL.**—The Sec-
5 retary of State shall—

6 “(1) annually publish a hardship index for each
7 diplomatic post that is based on conditions of envi-
8 ronment at that post that differ substantially from
9 conditions of environment in the continental United
10 States; and

11 “(2) semiannually rate the danger level of each
12 post based on the Security Environment Threat
13 List.

14 “(e) **NUMBER OF BIDS.**—The Secretary of State
15 shall—

16 “(1) track the number of bids made and how
17 they are ranked for each open position at each over-
18 seas post within the Department of State and collect
19 both quantitative and qualitative survey data from
20 eligible bidders on their bid decision-making;

21 “(2) collect data from the other foreign service
22 agencies subject to this section on the factors that
23 incentivize their employees to serve at each overseas
24 post;

1 “(3) use the information described in para-
 2 graphs (1) and (2) to set appropriate staffing incen-
 3 tives at such overseas posts; and

4 “(4) make the information described in para-
 5 graphs (1) and (2) available, upon request, to the
 6 appropriate congressional committees.

7 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES
 8 DEFINED.—in this section, the term ‘appropriate congres-
 9 sional committees’ means—

10 “(1) the Committee on Foreign Relations of the
 11 Senate; and

12 “(2) the Committee on Foreign Affairs of the
 13 House of Representatives.”.

14 (2) CLERICAL AMENDMENT.—The analysis for
 15 chapter 59 of title 5, United States Code, is amend-
 16 ed—

17 (A) by striking the items relating to sec-
 18 tions 5925 and 5928; and

19 (B) by inserting after the item relating to
 20 section 5924 the following new item:

“5925. Staffing incentive.”.

21 (c) IMPLEMENTATION.—Not later than 270 days
 22 after the date of the enactment of this Act, the head of
 23 each Federal agency subject to the amendment made by
 24 subsection (b) shall submit a plan to the Speaker of the

1 House of Representatives and the Majority Leader of the
 2 Senate that describes how the agency intends—

3 (1) to comply with the policy set forth in sub-
 4 section (a); and

5 (2) to implement the staffing incentives set
 6 forth in section 5925 of title 5, United States Code,
 7 as added by subsection (b).

8 **SEC. 304. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

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

12 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
 13 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
 14 PROGRAMS.—

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

21 “(2) EXCLUSION FROM CONSIDERATION AS
 22 COMPENSATION.—Stipends shall not be considered
 23 compensation for purposes of section 209 of title 18,
 24 United States Code (18 U.S.C. 209).

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

4 **SEC. 305. TRAVEL FOR SEPARATED FAMILIES.**

5 Section 901(15) of the Foreign Service Act of 1980
 6 (22 U.S.C. 4081(15)) is amended—

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

12 (2) in subparagraph (A)—

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

15 (B) by striking “; or” and inserting a
 16 semicolon;

17 (3) in subparagraph (B)—

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

20 (B) by striking “resides,” and inserting
 21 “resides; or”;

22 (4) by inserting after subparagraph (B) the fol-
 23 lowing new subparagraph:

24 “(C) for one of the child’s parents to visit
 25 the child or children abroad if the child or chil-

1 dren do not regularly reside with that parent
 2 and that parent is not receiving an education
 3 allowance or educational travel allowance for
 4 the child or children under section 5924(4) of
 5 title 5,”; and

6 (5) by striking “a payment” and inserting “the
 7 cost of a round-trip”.

8 **SEC. 306. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.**

9 Section 903(b) of the Foreign Service Act of 1980
 10 (22 U.S.C. 4083(b)) is amended by adding at the end the
 11 following: “In cases where the member’s family members
 12 reside apart from the member at authorized locations out-
 13 side the United States because they are prevented by offi-
 14 cial order from residing at the member’s post of assign-
 15 ment, the member may take the leave ordered under this
 16 section where that member’s family members reside.”.

17 **TITLE IV—DIVERSITY**

18 **SEC. 401. DEFINITIONS.**

19 In this title:

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

24 (2) **DIVERSITY.**—The term “diversity” means—

1 (A) those classes of persons protected
 2 under the Civil Rights Act of 1964 (42 U.S.C.
 3 2000a et seq.) and the Americans with Disabil-
 4 ities Act of 1990 (42 U.S.C. 12101 et seq.);
 5 and

6 (B) veterans (as defined in section 3.1(d)
 7 of title 38, Code of Federal Regulations).

8 (3) FOREIGN SERVICE.—The term “Foreign
 9 Service” has the meaning given that term in section
 10 102 of the Foreign Service Act of 1980 (22 U.S.C.
 11 3902).

12 (4) MEMBER OF THE FOREIGN SERVICE.—The
 13 term “member of the Foreign Service” means an in-
 14 dividual listed in section 103 of the Foreign Service
 15 Act of 1980 (22 U.S.C. 3903).

16 (5) WORKFORCE.—The term “workforce”
 17 means all individuals serving in a position—

18 (A) in the civil service (as defined in sec-
 19 tion 2101 of title 5, United States Code); or

20 (B) as a member of the Foreign Service.

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

23 (a) INITIAL REPORT.—Not later than 180 days after
 24 the date of the enactment of this Act, the Secretary shall
 25 provide a report to the public that includes aggregate de-

1 mographic data and other information regarding the diver-
 2 sity of the workforce of the Department.

3 (b) DATA.—The report under subsection (a)—

4 (1) shall include aggregate demographic data—

5 (A) by segment of the workforce of the De-
 6 partment and grade or rank;

7 (B) by foreign service code and civil service
 8 job code;

9 (C) relating to attrition and promotion
 10 rates;

11 (D) that addresses Department compliance
 12 with validated inclusion metrics;

13 (E) that provides demographic compari-
 14 sons to the relevant civilian labor force;

15 (F) on the diversity of selection boards;

16 (G) on the employment of minority and
 17 service-disabled veterans during the most recent
 18 10-year period, including—

19 (i) the number hired through direct
 20 hires, internships, and fellowship pro-
 21 grams;

22 (ii) the number promoted to senior
 23 positions, including positions at class 1 of
 24 the Foreign Service Schedule, at level 15
 25 of the General Schedule, in the Senior Ex-

1 ecutive Service, or in the Senior Foreign
2 Service; and

3 (iii) attrition rates by grade, in the
4 civil service and foreign service, and in the
5 senior positions described in clause (ii);
6 and

7 (H) on mentorship and retention pro-
8 grams;

9 (2) shall include an analysis of applicant flow
10 data, including the percentage, actual numbers, and
11 level of positions for which data are collected, and a
12 discussion of any resulting policy changes or rec-
13 ommendations;

14 (3) shall include demographic data relating to
15 participants in professional development programs of
16 the Department, and the rate of placement into sen-
17 ior positions for participants in such programs;

18 (4) shall include any demographic data relating
19 to the membership of any external advisory com-
20 mittee or board to which individuals in senior posi-
21 tions in the Department appoint members;

22 (5) shall be organized in terms of real numbers
23 and percentages at all levels; and

24 (6) shall be made available in a searchable
25 database format.

1 (c) RECOMMENDATION.—The Secretary may submit
2 a recommendation to the Office of Management and
3 Budget and to the appropriate congressional committees
4 regarding whether the Department should collect more de-
5 tailed data on demographic categories in addition to the
6 race and ethnicity categories specified in the Office of
7 Management and Budget statistical policy directive enti-
8 tled “Standards for Maintaining, Collecting, and Pre-
9 senting Federal Data on Race and Ethnicity” (81 Fed.
10 Reg. 67398).

11 (d) OTHER CONTENTS.—The report under sub-
12 section (a) shall describe the efforts of the Department—

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

16 (2) to ensure that harassment, intolerance, and
17 discrimination are not tolerated;

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;

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

3 (6) to resolve workplace conflicts, confronta-
4 tions, and complaints in a prompt, impartial, con-
5 structive, and timely manner;

6 (7) to recruit a diverse workforce by—

7 (A) recruiting women, minorities, veterans,
8 and undergraduate and graduate students;

9 (B) recruiting at historically Black colleges
10 and universities, Hispanic serving institutions,
11 women’s colleges, and colleges that typically
12 serve majority minority populations;

13 (C) sponsoring and recruiting at job fairs
14 in urban communities;

15 (D) placing job advertisements in news-
16 papers, magazines, and job sites oriented to-
17 ward women and people of color;

18 (E) providing opportunities through the
19 Foreign Service Internship Program and other
20 hiring initiatives; and

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

25 (8) provide opportunities through—

1 (A) the Charles B. Rangel International
2 Affairs Fellowship Program;

3 (B) the Thomas R. Pickering Foreign Af-
4 fairs Fellowship Program; and

5 (C) the Donald M. Payne International
6 Development Fellowship Program.

7 (e) ANNUAL UPDATES.—Not later than one year
8 after the publication of the report under subsection (a),
9 and annually thereafter, the Secretary shall provide a re-
10 port to the public, which may be included in another an-
11 nual report required under another provision of law, that
12 includes, in a searchable database format—

13 (1) demographic data and information on the
14 status of diversity and inclusion efforts of the De-
15 partment;

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

17 (3) demographic data relating to participants in
18 professional development programs of the Depart-
19 ment and the rate of placement into senior positions
20 for participants in such programs.

21 **SEC. 403. EXIT INTERVIEWS OR SURVEYS.**

22 (a) RETAINED MEMBERS.—The Director General of
23 the Foreign Service should conduct periodic interviews or
24 surveys with a representative and diverse cross-section of
25 the workforce of the Department—

1 (1) to understand the reasons of the members
2 for remaining in a position in the Department; and

3 (2) to receive feedback on workplace policies,
4 professional development opportunities, and other
5 issues affecting the decision of the members to re-
6 main in the Department.

7 (b) DEPARTING MEMBERS.—The Director General of
8 the Foreign Service shall provide an opportunity for an
9 exit interview or survey to each member of the workforce
10 of the Department who separates from service with the
11 Department to better understand the member’s reasons
12 for leaving such service.

13 (c) USE OF ANALYSIS FROM INTERVIEWS AND SUR-
14 VEYS.—The Director General of the Foreign Service shall
15 analyze information obtained through interviews and sur-
16 veys under subsections (a) and (b) to determine—

17 (1) if and how the diversity of those partici-
18 pating in such interviews and surveys impacts the
19 results; and

20 (2) whether to implement any policy changes or
21 make any recommendations as part of the report re-
22 quired under section 402.

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

24 (1) track demographic data relating to partici-
25 pants in professional development programs and the

1 rate of placement into senior positions for partici-
2 pants in such programs;

3 (2) annually evaluate such data—

4 (A) to identify ways to improve outreach
5 and recruitment for such programs, consistent
6 with merit system principles; and

7 (B) to understand how participation in any
8 program offered or sponsored by the Depart-
9 ment under paragraph (1) differs among the di-
10 versity groups of the workforce; and

11 (3) actively encourage participation from a
12 range of demographic categories, especially from cat-
13 egories with consistently low participation.

14 **SEC. 404. RECRUITMENT.**

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

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

18 (2) instruct the Director of Human Resources
19 to have a diversity recruitment goal, which should
20 include outreach at appropriate colleges, universities,
21 diversity organizations, and professional associa-
22 tions.

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

1 (1) recruiting at historically Black colleges and
2 universities, Hispanic-serving institutions, women’s
3 colleges, and colleges that typically serve majority
4 minority populations;

5 (2) sponsoring and recruiting at job fairs in
6 urban communities;

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

10 (4) providing opportunities through highly re-
11 spected, international leadership programs, that
12 focus on diversity recruitment and retention; and

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

17 **SEC. 405. PAYNE FELLOWSHIP AUTHORIZATION.**

18 (a) IN GENERAL.—Undergraduate and graduate
19 components of the Donald M. Payne International Devel-
20 opment Fellowship Program may conduct outreach to at-
21 tract outstanding students who represent diverse ethnic
22 and socioeconomic backgrounds with an interest in pur-
23 suing a Foreign Service career.

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

4 **SEC. 406. VOLUNTARY PARTICIPATION.**

5 (a) IN GENERAL.—Nothing in this title should be
 6 construed so as to compel any employee to participate in
 7 the collection of the data or divulge any personal informa-
 8 tion. Department employees shall be informed that their
 9 participation in the data collection contemplated by this
 10 title is voluntary.

11 (b) PRIVACY PROTECTION.—Any data collected
 12 under this title shall be subject to the relevant privacy pro-
 13 tection statutes and regulations applicable to Federal em-
 14 ployees.

15 **TITLE V—INFORMATION**
 16 **SECURITY**

17 **SEC. 501. DEFINITIONS.**

18 In this title:

19 (1) RELEVANT CONGRESSIONAL COMMIT-
 20 TEES.—The term “relevant congressional commit-
 21 tees” means—

22 (A) the appropriate congressional commit-
 23 tees;

24 (B) the Select Committee on Intelligence
 25 of the Senate; and

1 (C) the Permanent Select Committee on
2 Intelligence of the House of Representatives.

3 (2) VIOLATION.—The term “violation” means
4 any knowing, willful, or negligent action—

5 (A) that could reasonably be expected to
6 result in an unauthorized disclosure of classified
7 information;

8 (B) to classify or continue the classifica-
9 tion of information contrary to the require-
10 ments of an active Executive order or its imple-
11 menting directives; or

12 (C) to create or continue a special access
13 program contrary to the requirements of an ac-
14 tive Executive order.

15 **SEC. 502. INFORMATION TECHNOLOGY SYSTEM SECURITY.**

16 (a) DEFINITIONS.—In this section:

17 (1) INCIDENT.—The term “incident” has the
18 meaning given the term in section 3552(b) of title
19 44, United States Code.

20 (2) INFORMATION SYSTEM.—The term “infor-
21 mation system” has the meaning given the term in
22 section 3502 of title 44, United States Code.

23 (3) PENETRATION TEST.—The term “penetra-
24 tion test” means a test methodology in which asses-

1 sors attempt to circumvent or defeat the security
2 features of an information system.

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

16 (c) INDEPENDENT PENETRATION TESTING OF IN-
17 FORMATION SYSTEMS.—In coordination with the consulta-
18 tions under subsection (b), the Secretary shall commission
19 independent, semiannual penetration tests, which shall be
20 carried out by an appropriate Federal agency other than
21 the Department, such as the Department of Homeland Se-
22 curity or the National Security Agency, to ensure that
23 adequate policies and protections are implemented to de-
24 tect and prevent penetrations or compromises of such in-

1 formation systems, including malicious intrusions by any
2 unauthorized individual, state actor, or other entity.

3 (d) WAIVER.—The Secretary may waive the require-
4 ment under subsection (c) for up to 180 days if the Sec-
5 retary—

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

9 (2) not later than 30 days after the commence-
10 ment of such a waiver, submits a written justifica-
11 tion to the relevant congressional committees that
12 describes how such penetration tests would under-
13 mine national security or the diplomatic mission of
14 the Department.

15 (e) INCIDENT REPORTING.—Not later than 180 days
16 after the date of the enactment of this Act, and every 180
17 days thereafter for five years, the Secretary, in consulta-
18 tion with the Secretary of Defense, the Director of the
19 National Intelligence, the Secretary of Homeland Security,
20 and any other department or agency representative that
21 the Secretary determines to be appropriate, shall securely
22 submit a classified report to the relevant congressional
23 committees that describes in detail—

24 (1) for the first reporting period, all known and
25 suspected incidents of the information systems speci-

1 fied in subsection (b) that occurred during the 180-
2 day period immediately preceding the date of the en-
3 actment of this Act; and

4 (2) for all subsequent reporting periods, all
5 known and suspected incidents of the information
6 systems specified in subsection (b) that occurred
7 since the submission of the most recent report.

8 (f) CONTENTS.—Each report under subsection (e)
9 shall include, for the relevant reporting period—

10 (1) a description of the relevant information
11 system, as specified in subsection (b), that experi-
12 enced a known or suspected incident;

13 (2) an assessment of the date and time each
14 such incident occurred;

15 (3) an assessment of the duration over which
16 each such incident took place, including whether it
17 is ongoing;

18 (4) an assessment of the volume and sensitivity
19 of information accessed, compromised, or potentially
20 compromised by each incident, including any such
21 information contained on information systems
22 owned, operated, managed, or utilized by any other
23 Federal department or agency;

1 (5) an assessment of whether such information
2 system was compromised by a malicious intrusion,
3 including an assessment of—

4 (A) the known or suspected perpetrators,
5 including state actors;

6 (B) the methods used to carry out the inci-
7 dent; and

8 (C) the known or suspected intent of the
9 actors in accessing the information system; and

10 (6) a description of the actions the Department
11 has taken or plans to take, including timelines and
12 descriptions of any progress on plans described in
13 prior reports, to prevent future, similar incidents of
14 such information systems.

15 (g) INSPECTOR GENERAL OVERSIGHT.—The Sec-
16 retary shall—

17 (1) notify the Inspector General for the Depart-
18 ment of State and the Broadcasting Board of Gov-
19 ernors about all planned penetration tests required
20 under subsection (c); and

21 (2) provide the Inspector General for the De-
22 partment of State and the Broadcasting Board of
23 Governors with any reports, conclusions, or analyses
24 that are a result of such testing.

1 **SEC. 503. IMPROVING FOIA PROCESS.**

2 (a) REFORM PLAN.—Not later than 90 days after the
3 date of the enactment of this Act, the Secretary shall sub-
4 mit a plan to the relevant congressional committees that
5 describes how the reforms described in subsection (b) will
6 be completed within one year after the date of the enact-
7 ment of this Act.

8 (b) REFORMS.—The Secretary, in consultation with
9 the Director of National Intelligence, shall develop and im-
10 plement a cost-effective plan for training and maintaining
11 an appropriate number of officials of the Department in—

12 (1) the identification of marked or unmarked
13 classified information in documents or media subject
14 to requests under section 552 of title 5, United
15 States Code (commonly referred to as the “Freedom
16 of Information Act”), including information origi-
17 nating with the intelligence community; and

18 (2) appropriate procedures for coordinating
19 with intelligence officials to ensure that such offi-
20 cials have an opportunity to make a classification
21 determination regarding the classification status and
22 level, if any, of any information potentially origi-
23 nating with the intelligence community.

24 (c) ACCOUNTABILITY.—Not later than 14 months
25 after the date of the enactment of this Act, the Inspector
26 General of the Intelligence Community, in consultation

1 with the Inspector General of the Department of State
2 and the Broadcasting Board of Governors, shall—

3 (1) review the Department’s implementation of
4 the plan required under subsection (a); and

5 (2) submit a report to the relevant congress-
6 sional committees that assesses the extent to which
7 the Department has implemented the reforms re-
8 quired under subsection (b).

9 **SEC. 504. ANNUAL REPORT ON SECURITY VIOLATIONS.**

10 (a) ANNUAL REPORT.—Not later than 90 days after
11 the date of the enactment of this Act, and annually there-
12 after for five years, the Secretary shall submit a report
13 to the relevant congressional committees that includes in-
14 formation on the security violations that occurred during
15 the most recently completed fiscal year, including the un-
16 authorized transfer of marked or unmarked classified in-
17 formation into documents, electronic media or systems,
18 electronic transmissions, or other records or storage not
19 certified for the handling, storage, or transmittal of such
20 information.

21 (b) ELEMENTS.—The reporting of security violations
22 submitted under subsection (a) shall include—

23 (1) the total number of security violations that
24 occurred during the current reporting period, includ-

1 ing the number of violations that occurred within
2 each office or bureau of the Department;

3 (2) the number of violations where there was an
4 indication that classified information was com-
5 promised or potentially compromised;

6 (3) the number of violations committed by an
7 employee with a history of one or more prior viola-
8 tions; and

9 (4) the number and nature of actions taken by
10 the Department in response to security violations,
11 including—

12 (A) disciplinary actions taken or criminal
13 referrals; and

14 (B) the administration of remedial training
15 in response to any violation or violations.

16 **SEC. 505. CLASSIFIED INFORMATION SPILLAGE.**

17 (a) DETECTION OF CLASSIFIED INFORMATION
18 SPILLAGE.—Not later than 90 days after the date of the
19 enactment of this Act, the Secretary shall submit a plan
20 to the relevant congressional committees that describes
21 how the reforms described in subsection (b) will be com-
22 pleted within one year after the date of the enactment of
23 this Act.

24 (b) TRAINING PROGRAM.—The Secretary, in con-
25 sultation with the Director of National Intelligence, shall

1 develop a training program for appropriate officials of the
2 Bureau of Diplomatic Security in the best practices for
3 detecting and recognizing classified information spillage,
4 including information originating from the Intelligence
5 Community.

6 (c) RANDOMIZED SAMPLING TO DETECT SPILL-
7 AGE.—The officials receiving the training described in
8 subsection (b) shall, not less frequently than quarterly—

9 (1) collect statistically valid random samples of
10 electronic mail sent by or received from employees of
11 the Department who hold a security clearance grant-
12 ing such employees authorized access to information
13 classified at the level of Secret or above; and

14 (2) use such samples, in a manner provided for
15 in the training described in subsection (b), to detect
16 classified information spillage as part of the Depart-
17 ment's program for safeguarding classified informa-
18 tion.

19 (d) ACCOUNTABILITY.—Not later than 90 days after
20 the implementation of the training program described in
21 subsection (b), the Inspector General for the Department
22 of State and the Broadcasting Board of Governors, in con-
23 sultation with the Inspector General for the Intelligence
24 Community, shall—

1 (1) conduct an audit of the program and activi-
2 ties carried out under this section; and

3 (2) submit a report containing the results of
4 the audit conducted under paragraph (1) to the rel-
5 evant congressional committees.

6 **SEC. 506. EMERGENCY REFRESHER TRAINING ON THE HAN-**
7 **DLING OF CLASSIFIED INFORMATION.**

8 (a) EMERGENCY REFRESHER TRAINING.—Except as
9 provided in subsection (d), not later than 180 days after
10 the date of the enactment of this Act, the Secretary shall
11 submit a written certification to the relevant congressional
12 committees that all Department personnel who possess a
13 security clearance have completed special emergency re-
14 resher training, developed by the Secretary, in consulta-
15 tion with the Director of National Intelligence, in the rules
16 and procedures governing the appropriate identification
17 and handling of classified information, including informa-
18 tion originating from the Intelligence Community.

19 (b) CERTIFICATION BY PERSONNEL UNDERGOING
20 TRAINING.—Each employee of the Department who un-
21 dergoes the training required under subsection (a) shall
22 certify in writing that the employee—

23 (1) has received such training;

24 (2) has read and understands the rules and
25 procedures for identifying and handling classified in-

1 formation, including information originating from
2 the Intelligence Community;

3 (3) understands the grave responsibilities ac-
4 companying the privilege of access to classified infor-
5 mation; and

6 (4) commits to following such rules and proce-
7 dures, under penalty of all applicable laws, regula-
8 tions, and policies of the Department.

9 (c) PRIORITIZATION.—In administering the emer-
10 gency refresher training required under subsection (a), the
11 Secretary shall prioritize the retraining of employees in
12 the following order:

13 (1) Employees who possess a security clearance
14 at the Top Secret/Sensitive Compartmented Infor-
15 mation level.

16 (2) Employees who possess a security clearance
17 at the Top Secret level.

18 (3) Employees who possess a security clearance
19 at the Secret level.

20 (4) Employees who possess a security clearance
21 at the Confidential Information level.

22 (d) DELAY IN TRAINING.—

23 (1) IN GENERAL.—The Secretary may delay the
24 provision of emergency refresher training required
25 under subsection (a), for up to 30 days, for any spe-

1 cific official or employee of the Department or any
 2 group of officials or employees, up to the level of an
 3 individual office, if the Secretary considers such
 4 delay to be critical to the foreign policy interests of
 5 the United States.

6 (2) NOTICE TO CONGRESS.—Not later than 30
 7 days after authorizing a delay under paragraph (1)
 8 the Secretary shall submit a written notice of such
 9 delay, including a justification for the delay, to the
 10 relevant congressional committees.

11 **TITLE VI—PUBLIC DIPLOMACY**

12 **SEC. 601. AMERICAN SPACES REVIEW.**

13 (a) REPORT REQUIRED.—Not later than 180 days
 14 after the date of the enactment of this Act, the Secretary
 15 shall submit a report to the appropriate congressional
 16 committees that includes—

17 (1) the full costs incurred by the Department to
 18 provide American Spaces, including—

19 (A) American Centers, American Corners,
 20 Binational Centers, Information Resource Cen-
 21 ters, and Science Centers; and

22 (B) the total costs of all associated—

23 (i) employee salaries, including mem-
 24 bers of the foreign service, other United

1 States civilian personnel, and locally em-
 2 ployed staff;

3 (ii) programming expenses;

4 (iii) operating expenses;

5 (iv) contracting expenses; and

6 (v) security expenses;

7 (2) a breakdown of the total costs described in
 8 paragraph (1) by each space and type of space;

9 (3) the total fees collected for entry to, or the
 10 use of, American Spaces and related resources, in-
 11 cluding a breakdown by the type of fee for each
 12 space and type of space;

13 (4) the total usage rates, including by type of
 14 service, for each space and type of space; and

15 (5) an assessment of the significance, utility,
 16 and benefit of the American Spaces program in pro-
 17 moting mutual understanding and the value of
 18 American culture.

19 **SEC. 602. IMPROVING RESEARCH AND EVALUATION OF**
 20 **PUBLIC DIPLOMACY.**

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

22 (1) conduct regular research and evaluation of
 23 public diplomacy programs and activities of the De-
 24 partment, including through the routine use of audi-
 25 ence research, digital analytics, and impact evalua-

1 tions, to plan and execute such programs and activi-
2 ties; and

3 (2) make the findings of the research and eval-
4 uations conducted under paragraph (1) available to
5 Congress.

6 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

7 (1) APPOINTMENT.—Not later than 90 days
8 after the date of the enactment of this Act, the Sec-
9 retary shall appoint a Director of Research and
10 Evaluation in the Office of Policy, Planning, and
11 Resources for the Under Secretary for Public Diplo-
12 macy and Public Affairs.

13 (2) LIMITATION ON APPOINTMENT.—The ap-
14 pointment of a Director of Research and Evaluation
15 pursuant to paragraph (1) shall not result in an in-
16 crease in the overall full-time equivalent positions
17 within the Department.

18 (3) RESPONSIBILITIES.—The Director of Re-
19 search and Evaluation shall—

20 (A) coordinate and oversee the research
21 and evaluation of public diplomacy programs of
22 the Department—

23 (i) to improve public diplomacy strate-
24 gies and tactics; and

1 (ii) to ensure that programs are in-
2 creasing the knowledge, understanding,
3 and trust of the United States by relevant
4 target audiences;

5 (B) report to the Director of Policy and
6 Planning;

7 (C) 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 (D) support embassy public affairs sec-
12 tions;

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

17 (F) regularly design and coordinate stand-
18 ardized research questions, methodologies, and
19 procedures to ensure that public diplomacy ac-
20 tivities across all public diplomacy bureaus and
21 offices are designed to meet appropriate foreign
22 policy objectives; and

23 (G) report quarterly to the United States
24 Advisory Commission on Public Diplomacy,
25 through the Commission's Subcommittee on Re-

1 search and Evaluation established pursuant to
2 subsection (e), regarding the research and eval-
3 uation of all public diplomacy bureaus and of-
4 fices of the Department.

5 (4) GUIDANCE AND TRAINING.—Not later than
6 180 days after the appointment of the Director of
7 Research and Evaluation pursuant to paragraph (1),
8 the Director shall create guidance and training for
9 all public diplomacy officers regarding the reading
10 and interpretation of public diplomacy program eval-
11 uation findings to ensure that such findings and les-
12 sons learned are implemented in the planning and
13 evaluation of all public diplomacy programs and ac-
14 tivities throughout the Department.

15 (c) PRIORITIZING RESEARCH AND EVALUATION.—

16 (1) IN GENERAL.—The Director of Policy,
17 Planning, and Resources shall ensure that research
18 and evaluation, as coordinated and overseen by the
19 Director of Research and Evaluation, supports stra-
20 tegic planning and resource allocation across all pub-
21 lic diplomacy bureaus and offices of the Department.

22 (2) ALLOCATION OF RESOURCES.—Amounts al-
23 located for the purposes of research and evaluation
24 of public diplomacy programs and activities pursu-
25 ant to subsection (a) shall be made available to be

1 disbursed at the direction of the Director of Re-
2 search and Evaluation among the research and eval-
3 uation staff across all public diplomacy bureaus and
4 offices of the Department.

5 (3) SENSE OF CONGRESS.—It is the sense of
6 Congress that the Department should allocate, for
7 the purposes of research and evaluation of public di-
8 plomacy activities and programs pursuant to sub-
9 section (a)—

10 (A) 3 to 5 percent of program funds made
11 available under the heading “EDUCATIONAL
12 AND CULTURAL EXCHANGE PROGRAMS”; and

13 (B) 3 to 5 percent of program funds allo-
14 cated for public diplomacy programs under the
15 heading “DIPLOMATIC AND CONSULAR PRO-
16 GRAMS”.

17 (d) LIMITED EXEMPTION.—Chapter 35 of title 44,
18 United States Code (commonly known as the “Paperwork
19 Reduction Act”), shall not apply to collections of informa-
20 tion directed at foreign individuals conducted by, or on
21 behalf of, the Department for the purpose of audience re-
22 search and impact evaluations, in accordance with the re-
23 quirements under this section and in connection with the
24 Department’s activities conducted pursuant to the United
25 States Information and Educational Exchange Act of

1 1948 (22 U.S.C. 1431 et seq.) or the Mutual Educational
 2 and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et
 3 seq.).

4 (e) LIMITED EXEMPTION TO THE PRIVACY ACT.—
 5 The Department shall maintain, collect, use, and dissemi-
 6 nate records (as such term is defined in section 552a(a)(4)
 7 of title 5, United States Code) for research and data anal-
 8 ysis of public diplomacy efforts intended for foreign audi-
 9 ences. Such research and data analysis shall be reasonably
 10 tailored to meet the purposes of this subsection and shall
 11 be carried out with due regard for privacy and civil lib-
 12 erties guidance and oversight.

13 (f) ADVISORY COMMISSION ON PUBLIC DIPLO-
 14 MACY.—

15 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
 16 UATION.—The Advisory Commission on Public Di-
 17 plomacy shall establish a Subcommittee for Research
 18 and Evaluation to monitor and advise on the re-
 19 search and evaluation activities of the Department
 20 and the Broadcasting Board of Governors.

21 (2) REPORT.—The Subcommittee for Research
 22 and Evaluation established pursuant to paragraph
 23 (1) shall submit an annual report to Congress in
 24 conjunction with the Commission on Public Diplo-
 25 macy's Comprehensive Annual Report on the per-

1 formance of the Department and the Broadcasting
 2 Board of Governors in carrying out research and
 3 evaluations of their respective public diplomacy pro-
 4 gramming.

5 (g) DEFINITIONS.—In this section:

6 (1) AUDIENCE RESEARCH.—The term “audi-
 7 ence research” means research conducted at the out-
 8 set of public diplomacy program or campaign plan-
 9 ning and design on specific audience segments to un-
 10 derstand the attitudes, interests, knowledge, and be-
 11 haviors of such audience segments.

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

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

22 **TITLE VII—COMBATING PUBLIC** 23 **CORRUPTION**

24 **SEC. 701. DEFINITIONS.**

25 In this title:

1 (1) CORRUPT ACTOR.—The term “corrupt
2 actor” means—

3 (A) any foreign person or entity that is a
4 government official or government entity re-
5 sponsible for, or complicit in, an act of public
6 corruption; and

7 (B) any company, in which a person or en-
8 tity described in subparagraph (A) has a sig-
9 nificant stake, which is responsible for, or
10 complicit in, an act of public corruption.

11 (2) FOREIGN ASSISTANCE.—The term “foreign
12 assistance” means assistance made available
13 under—

14 (A) the Foreign Assistance Act of 1961
15 (22 U.S.C. 2151 et seq.); or

16 (B) the Arms Export Control Act (22
17 U.S.C. 2751 et seq.).

18 (3) GRAND CORRUPTION.—The term “grand
19 corruption” means public corruption committed at a
20 high level of government that—

21 (A) distorts policies or the central func-
22 tioning of the country; and

23 (B) enables leaders to benefit at the ex-
24 pense of the public good.

1 (4) PETTY CORRUPTION.—The term “petty cor-
2 ruption” means the unlawful exercise of entrusted
3 public power for private gain by low- or mid-level
4 public officials in their interactions with ordinary
5 citizens, including by bribery, nepotism, fraud, or
6 embezzlement.

7 (5) PUBLIC CORRUPTION.—The term “public
8 corruption” means the unlawful exercise of entrusted
9 public power for private gain, including by bribery,
10 nepotism, fraud, or embezzlement.

11 **SEC. 702. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) it is in the foreign policy interest of the
14 United States to help other countries promote good
15 governance and combat public corruption, particu-
16 larly grand corruption;

17 (2) multiple departments and agencies across
18 the United States Government operate programs
19 that promote good governance in foreign countries
20 and enhance foreign countries’ ability to combat
21 public corruption;

22 (3) the Department should promote coordina-
23 tion among programs described in paragraph (2) to
24 improve their effectiveness and efficiency; and

1 (4) the Department should identify areas in
 2 which United States efforts to help other countries
 3 promote good governance and combat public corrup-
 4 tion could be enhanced.

5 **SEC. 703. ANNUAL REPORT.**

6 The Secretary shall annually submit to the appro-
 7 priate congressional committees and publish, on a publicly
 8 accessible website, a report that—

9 (1) groups foreign countries, by quintile, based
 10 on—

11 (A) the World Bank Worldwide Govern-
 12 ance Indicator on Control of Corruption; and

13 (B) the World Bank Worldwide Govern-
 14 ance Indicator on Voice and Accountability;

15 (2) adds context and commentary, as appro-
 16 priate, to the World Bank Worldwide Governance
 17 Indicator on Control of Corruption and the World
 18 Bank Worldwide Governance Indicator on Voice and
 19 Accountability groupings under paragraph (1), as
 20 appropriate, based on the factors outlined in section
 21 704;

22 (3) describes, based on the World Bank World-
 23 wide Governance Indicators and the factors outlined
 24 in section 704, the status of foreign governments' ef-
 25 forts to combat public corruption; and

1 (4) describes the status of each foreign coun-
2 try's active membership in voluntary multi-sectoral
3 global governance initiatives as evidence of the coun-
4 try's government-led efforts to combat public corrup-
5 tion.

6 **SEC. 704. ADDITIONAL FACTORS FOR ASSESSING GOVERN-**
7 **MENT EFFORTS TO COMBAT PUBLIC COR-**
8 **RUPTION.**

9 (a) **FACTORS FOR ASSESSING GOVERNMENT EF-**
10 **FORTS TO COMBAT PUBLIC CORRUPTION.**—In assessing
11 a government's efforts to combat public corruption, the
12 Secretary should consider, to the extent reliable informa-
13 tion is available—

14 (1) whether the country—

15 (A) has enacted laws and established gov-
16 ernment structures, policies, and practices that
17 prohibit public corruption, including grand cor-
18 ruption and petty corruption; and

19 (B) enforces such laws through a fair judi-
20 cial process;

21 (2) whether the country prescribes appropriate
22 punishment for grand corruption that is commensu-
23 rate with the punishment prescribed for serious
24 crimes;

1 (3) whether the country prescribes appropriate
2 punishment for petty corruption that provides a suf-
3 ficiently stringent deterrent and adequately reflects
4 the nature of the offense;

5 (4) the extent to which the government of the
6 country—

7 (A) vigorously investigates and prosecutes
8 acts of public corruption; and

9 (B) convicts and sentences persons respon-
10 sible for such acts that take place wholly or
11 partly within such country, including, as appro-
12 priate, requiring the incarceration of individuals
13 convicted of such acts;

14 (5) the extent to which the government of the
15 country vigorously investigates, prosecutes, convicts,
16 and sentences public officials who participate in or
17 facilitate public corruption, including nationals of
18 the country who are deployed in foreign military as-
19 signments, trade delegations abroad, or other similar
20 missions who engage in or facilitate severe forms of
21 public corruption;

22 (6) the extent to which the government of the
23 country has adopted measures to prevent public cor-
24 ruption, such as measures to inform and educate the

1 public, including potential victims, about the causes
2 and consequences of public corruption;

3 (7) steps taken by the government of the coun-
4 try to prohibit government officials from partici-
5 pating in, facilitating, or condoning public corrup-
6 tion, including the investigation, prosecution, and
7 conviction of such officials;

8 (8) the extent to which the country government
9 provides access, or, as appropriate, makes adequate
10 resources available, to civil society organizations and
11 other institutions to combat public corruption, in-
12 cluding reporting, investigating, and monitoring;

13 (9) the extent to which an independent judici-
14 ary or judicial body in the country is responsible for,
15 and effectively capable of, deciding public corruption
16 cases impartially, on the basis of facts and in ac-
17 cordance with the law, without any improper restric-
18 tions, influences, inducements, pressures, threats, or
19 interferences (direct or indirect) from any source or
20 for any reason;

21 (10) the extent to which the government of the
22 country is assisting in international investigations of
23 transnational public corruption networks and in
24 other cooperative efforts to combat grand corrup-

1 tion, including cooperating with the governments of
2 other countries to extradite corrupt actors;

3 (11) the extent to which the government of the
4 country recognizes the rights of victims of public
5 corruption, ensures their access to justice, and takes
6 steps to prevent victims from being further victim-
7 ized or persecuted by corrupt actors, government of-
8 ficials, or others;

9 (12) the extent to which the government of the
10 country refrains from prosecuting legitimate victims
11 of public corruption or whistleblowers due to such
12 persons having assisted in exposing public corrup-
13 tion, and refrains from other discriminatory treat-
14 ment of such persons; and

15 (13) such other information relating to public
16 corruption as the Secretary considers appropriate.

17 **SEC. 705. DESIGNATION OF EMBASSY ANTI-CORRUPTION**
18 **POINTS OF CONTACT.**

19 (a) DESIGNATED COUNTRIES.—The Secretary shall
20 annually designate an anti-corruption point of contact at
21 the United States Mission to each country that he or she
22 determines is in need of such a point of contact.

23 (b) POINTS OF CONTACT DUTIES.—Each designated
24 anti-corruption point of contact shall be responsible for co-
25 ordinating a whole-of-government approach to combating

1 public corruption in his or her posted country among rel-
2 evant United States Government departments or agencies
3 with a presence in that country, including, as applicable,
4 the Department of State, the Department of Justice, the
5 Department of the Treasury, the Department of Home-
6 land Security, and USAID.

7 (c) TRAINING.—The Secretary shall develop and im-
8 plement appropriate training for designated anti-corrup-
9 tion points of contact.

10 (d) INTERNAL REPORTING.—Each anti-corruption
11 point of contact shall submit an annual report to the Sec-
12 retary regarding anti-corruption activities within his or
13 her posted country that—

14 (1) evaluates the effectiveness of current pro-
15 grams that promote good governance and have an
16 effect of combating public corruption; and

17 (2) identifies areas in which the United States
18 Government's approach could be enhanced, including
19 specific programs that could be used to enhance the
20 whole-of-government approach.

21 **SEC. 706. INTERAGENCY WORKING GROUP.**

22 (a) IN GENERAL.—The Secretary shall have primary
23 responsibility for managing a whole-of-government effort
24 to improve coordination among United States Government
25 departments and agencies that have a role in promoting

1 good governance in foreign countries and enhancing for-
2 eign countries' ability to combat public corruption.

3 (b) TASK FORCE.—

4 (1) INITIAL MEETING.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Secretary shall establish and convene an initial
7 meeting of an interagency task force, which shall be
8 composed of—

9 (A) representatives appointed by the Presi-
10 dent from the departments and agency listed in
11 section 705(b); and

12 (B) representatives from any other United
13 States Government departments or agencies, as
14 determined by the Secretary.

15 (2) ADDITIONAL MEETINGS.—The task force
16 described in paragraph (1) shall meet not less fre-
17 quently than twice per year.

18 (c) TASK FORCE DUTIES.—The task force estab-
19 lished pursuant to subsection (b) shall—

20 (1) assist the Secretary in managing the whole-
21 of-government effort described in subsection (a);

22 (2) evaluate, on a general basis, the effective-
23 ness of current programs that have an effect of com-
24 bating public corruption;

1 (3) identify general areas in which the United
 2 States Government's approach could be enhanced;
 3 and

4 (4) identify specific programs for specific coun-
 5 tries that could be used to enhance the whole-of-gov-
 6 ernment approach.

7 **SEC. 707. TRANSPARENCY AND ACCOUNTABILITY.**

8 (a) IN GENERAL.—Not later than 60 days after pub-
 9 lishing the report required under section 703, and prior
 10 to obligation by any United States agency of foreign as-
 11 sistance to the government of a country ranked in the low-
 12 est 2 quintiles in the World Bank Worldwide Governance
 13 Indicator on Control of Corruption grouping described in
 14 section 703(1), the Secretary, in coordination with the Ad-
 15 ministrator of USAID, as appropriate, shall—

16 (1) conduct a corruption risk assessment and
 17 create a corruption mitigation strategy for all United
 18 States foreign assistance programs to that country;

19 (2) require the inclusion of anti-corruption
 20 clauses for all foreign assistance contracts, grants,
 21 and cooperative agreements, which allow for the ter-
 22 mination of the contract, grant, or cooperative
 23 agreement without penalty if credible indicators of
 24 public corruption are discovered;

1 (3) require the inclusion of appropriate
2 clawback clauses for all foreign assistance that has
3 been misappropriated through corruption;

4 (4) require the appropriate disclosure to the
5 United States Government, in confidential form, if
6 necessary, of the beneficial ownership of contractors,
7 subcontractors, grantees, cooperative agreement par-
8 ticipants, and other organizations receiving funding
9 from the United States Government for foreign as-
10 sistance programs; and

11 (5) establish a mechanism for investigating alle-
12 gations of misappropriated foreign assistance funds
13 or equipment.

14 (b) EXCEPTIONS AND WAIVER.—

15 (1) EXCEPTIONS.—Subsection (a) shall not
16 apply to humanitarian assistance, disaster assist-
17 ance, or assistance to combat corruption.

18 (2) WAIVER.—The Secretary may waive the re-
19 quirement to delay foreign assistance under sub-
20 section (a) if the Secretary certifies to the appro-
21 priate congressional committees that such waiver is
22 important to the national security interests of the
23 United States.

24 **SEC. 708. RESOURCES AND REPORTING REQUIREMENTS.**

25 (a) ANNUAL REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the Secretary shall submit a report
4 to the appropriate congressional committees that
5 outlines the resources needed to meet the objectives
6 of this title, including—

7 (A) personnel needs; and

8 (B) a description of the bureaucratic struc-
9 ture of the offices within the Department and
10 USAID that are engaged in anti-corruption ac-
11 tivities.

12 (b) ANNUAL BRIEFING.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, and an-
15 nually thereafter, the Secretary shall brief the ap-
16 propriate congressional committees on the implemen-
17 tation of this title, including—

18 (A) the designation of anti-corruption
19 points of contact for countries under section
20 705(a);

21 (B) the training implemented under sec-
22 tion 705(c);

23 (C) the reports received from anti-corrup-
24 tion points of contact under section 705(d);

1 (D) the management of the whole-of-gov-
2 ernment effort to improve coordination under
3 section 706(a);

4 (E) the establishment of the task force
5 under section 706(b); and

6 (F) the activities of the task force under
7 section 706(c).

8 (2) FORM OF BRIEFING.—The briefings under
9 subsection (b) shall be conducted on an in-person
10 basis to members or staff of the appropriate con-
11 gressional committees. Portions of the briefings may
12 be conducted in a classified setting, as needed.

13 (c) ONLINE PLATFORM.—The Secretary and the
14 USAID Administrator shall consolidate existing reports
15 with anti-corruption components into one online, public
16 platform, which shall—

17 (1) include—

18 (A) the Human Rights Report;

19 (B) the Fiscal Transparency Report;

20 (C) the Investment Climate Statement re-
21 ports;

22 (D) the International Narcotics Control
23 Strategy Report; and

24 (E) any other relevant public reports;

1 (2) link to third-party indicators and compli-
2 ance mechanisms used by the United States Govern-
3 ment to inform policy and programming, such as—

4 (A) the International Finance Corpora-
5 tion's Doing Business surveys;

6 (B) the International Budget Partnership's
7 Open Budget Index; and

8 (C) multilateral peer review anti-corruption
9 compliance mechanisms, such as the
10 Organisation for Economic Co-operation and
11 Development's Working Group on Bribery in
12 International Business Transactions and the
13 United Nations Convention Against Corruption,
14 done at New York October 31, 2003, to further
15 highlight expert international views on country
16 challenges and country efforts.

17 (d) TRAINING.—The Secretary and the USAID Ad-
18 ministrators shall incorporate anti-corruption components
19 into existing Foreign Service and Civil Service training
20 courses—

21 (1) to increase the ability of Department and
22 USAID personnel to support anti-corruption as a
23 foreign policy and development priority; and

24 (2) to strengthen their ability to design, imple-
25 ment, and evaluate more effective anti-corruption

1 programming around the world, including enhancing
 2 skills to better evaluate and mitigate public corrup-
 3 tion risks in assistance programs.

4 **TITLE VIII—MISCELLANEOUS**

5 **SEC. 801. RECURRING REPORTS.**

6 Not later than 30 days after the date of the enact-
 7 ment of this Act, the Secretary shall submit a list to the
 8 appropriate congressional committees that identifies all re-
 9 curring reports that the Department is statutorily re-
 10 quired to complete, including a statutory citation and brief
 11 description of each such report.

12 **SEC. 802. CASE-ZABLOCKI REFORM.**

13 Section 112b(b) of title 1, United States Code, is
 14 amended to read as follows:

15 “(b) Each department or agency of the United States
 16 Government that enters into any international agreement
 17 described in subsection (a), on behalf of the United States,
 18 shall designate a Chief International Agreements Officer,
 19 who—

20 “(1) shall be a current employee of such depart-
 21 ment or agency;

22 “(2) shall serve concurrently as Chief Inter-
 23 national Agreements Officer; and

24 “(3) subject to the authority of the head of the
 25 department or agency, shall have department- or

1 agency-wide responsibility for efficient and appro-
2 priate compliance with subsection (a) to transmit the
3 text of any international agreement to the Depart-
4 ment of State not later than 20 days after such
5 agreement has been signed.”.

6 **SEC. 803. REPORTING ON IMPLEMENTATION OF GAO REC-**
7 **COMMENDATIONS.**

8 (a) INITIAL REPORT.—Not later than 30 days after
9 the date of the enactment of this Act, the Secretary shall
10 submit a report to the appropriate congressional commit-
11 tees that lists all of the Government Accountability Of-
12 fice’s recommendations relating to the Department that
13 have not been fully implemented.

14 (b) COMPTROLLER GENERAL REPORT.—Not later
15 than 30 days after the Secretary submits the report under
16 subsection (a), the Comptroller General of the United
17 States shall submit a report to the appropriate congres-
18 sional committees that identifies any discrepancies be-
19 tween the list of recommendations included in such report
20 and the Government Accountability Office’s list of out-
21 standing recommendations for the Department.

22 (c) IMPLEMENTATION REPORT.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of the enactment of this Act, the Sec-
25 retary shall submit a report to the appropriate con-

gressional committees that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) JUSTIFICATION.—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

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

