

S.1635, DEPARTMENT OF STATE AUTHORITIES ACT, FISCAL YEAR 2017
SECTION-BY-SECTION SUMMARY OF SUSPENSION TEXT

Section 1. Short title. “Department of State Authorities Act, Fiscal Year 2017”

Section 2. Definitions. Defines key terms used throughout the Act.

TITLE I--EMBASSY SECURITY AND PERSONNEL PROTECTION

Section 101. Designation of High Risk, High Threat posts. Requires the State Department to designate a list of “high risk, high threat posts” to be prioritized for embassy security resources and staffing. Mandates monthly Congressional briefings on the status of embassy security including specific posts when requested. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 102. Contingency plans for High Risk, High Threat posts. Directs the State and Defense Departments to include threats from complex attacks in their emergency action plans, and requires that they account for high-risk, high threat posts when determining rapid response procedures. Requires that the State-DOD memorandum of understanding (MOU) on deployment of military assets to protect embassy personnel and facilities prioritize rapid response actions to high risk, high threat posts. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 103. Direct Reporting. This provision makes the Assistant Secretary for Diplomatic Security directly accountable to the Secretary of State, thereby bypassing the current bureaucratic hierarchy. The intent of this provision is to ensure direct lines of communication between the Secretary and the Bureau of Diplomatic Security so that security and safety issues requiring immediate attention are given the highest priority.

Section 104. Accountability Review Board Recommendations Related to Unsatisfactory Leadership. Increases State’s ability to discipline personnel for engaging in misconduct or unsatisfactorily performing employment duties related to security. Addresses the ongoing concern that previous failures to perform security-related functions have gone unpunished. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 111. Capital Security Cost Sharing Program. Expresses the Sense of Congress that the Capital Security Cost Sharing Program (under which other USG agencies reimburse State for the costs of their personnel detailed to/operating in State Dept. facilities overseas) should prioritize construction and maintenance at high risk, high threat posts. Grants the Secretary discretion to not build additional facilities if the relevant agency has not contributed to the capital cost. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 112. Local guard contracts abroad under diplomatic security program. Authorizes the State Department to award local guard contracts on the basis of “best value” (rather than

lowest price, technically acceptable) when deemed necessary, to allow consideration of factors such as technical approach and past performance, when the benefits merit the additional cost. This flexibility was specifically requested by the Secretary in testimony to the House Foreign Affairs Committee, and also is responsive to the criticism that local guards in Benghazi were ineffective in response to the attack. Requires State to notify Congress 15 days prior to any such award to a post that is not high-risk, high-threat. [*Similar to H.R. 2533 authored by Representatives Frankel and Weber*]

Section 113. Transfer authority. Authorizes State, after 15 days prior written notification to Congress, to transfer funds from the “Administration of Foreign Affairs” account to improve physical embassy security, subject to percentage limitations. [*Included in House-passed H.R. 2848 in the 113th Congress*]

Section 114. Security enhancements for soft targets. Improves physical security at educational facilities and vehicles used to transport the children of U.S. personnel while stationed overseas. [*Included in House-passed H.R. 2848 in the 113th Congress*]

Section 115. Exemptions from certain protest procedures for non-compete contracting in exigent circumstances. Authorizes the Department to use non-compete contracting to meet emergency security needs, including physical security upgrades, protective equipment, and other immediate threat mitigation projects. It is envisioned that such flexibility would be used to secure perimeter wall breaches or other immediate physical security upgrades necessary to keep a post open and the personnel secure. [*Included in House-passed H.R. 2848 in the 113th Congress*]

Section 116. Sense of Congress on minimum security standards for temporary United States diplomatic and consular posts. Expresses the sense of Congress that minimum security standards should be applied to all facilities, regardless of their duration of their occupancy. The facility in Benghazi was a temporary facility, ill-equipped to protect against present security threats. [*Included in House-passed H.R. 2848 in the 113th Congress*]

Section 117. Assignment of personnel at High Risk, High Threat posts. Directs State, to the extent practicable, to reduce the turnover of key personnel, including security providers, at high risk-high threat posts. The intent is to ensure continuity and situational awareness at dangerous posts, reducing the risk that security personnel are unprepared for the threats they will encounter. The Department is required to brief Congress quarterly on efforts made to ensure continuity. [*Included in House-passed H.R. 2848 in the 113th Congress*]

Section 118. Annual Report on Embassy Construction Costs. Requires State to report annually to Congress on ongoing construction projects and major embassy security upgrades, including initial cost estimates, projected completion dates and timelines, and any cost overruns. The report will include an annex of major projects completed in the last ten years detailing the same information.

Section 119. Embassy security, construction, and maintenance. Authorizes the Department to seek payment in advance for embassy security construction, upgrades, and maintenance. This provision will allow the Department to collect funds from other agencies through the Capital Cost Sharing Program and expend these funds over the period of performance rather than exclusively within the fiscal year of appropriation.

Section 121. Security management training for personnel assigned to High Risk, High Threat posts. Mandates that personnel in high risk, high threat posts receive security training, such as surveillance detection, firearms familiarization, and detection of improvised explosive devices. Requires that senior and mid-level officials serving in high threat posts take security management training and emergency care courses. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 122. Sense of Congress regarding language requirements for Diplomatic Security personnel assigned to high-risk, high-threat posts. Expresses the sense of Congress that diplomatic security personnel should develop the necessary language skills before serving at high risk, high threat posts. This section was included in H.R.2848 which passed the House in the 113th Congress. *[Included in House-passed H.R. 2848 in the 113th Congress]*

Section 131. Marine Corps Security Guard Program. Requires an annual review and report to Congress (for four years) on the deployment and utilization of Marine Security Guard (MSG) detachments, to assess whether or not there enough MSG personnel at posts overseas to ensure the security of USG facilities and employees. There may be cause for increasing the number of deployed MSGs. *[Included in House-passed H.R. 2848 in the 113th Congress]*

TITLE II—OFFICE OF THE INSPECTOR GENERAL

Section 201. Competitive hiring status for former employees of the Special Inspector General for Iraq Reconstruction. Grants “competitive status” (typically reserved for current federal employees) to any employee of the Special Inspector General for Iraq Reconstruction (SIGIR) who completes at least 12 months of service and was not terminated for cause, allowing them to apply for open government positions as though they are tenured federal employees.

Section 202. Certification of independence of IT systems of the OIG. Requires the Department of State to certify annually (for five years) the independence of the IT network of the Inspector General (IG), in order to address the ongoing concern that the Department of State may access IG databases without prior approval and unduly influence the outcome of IG investigations.

Section 203. Protecting the integrity of internal investigations. Requires the Department to report to the IG all allegations of: waste, fraud and abuse in a Department program; criminal or serious misconduct; or serious misconduct by a person authorized to carry a weapon. The OIG

can then determine which allegations warrant further investigation. Currently, State is not required to report all allegations of misconduct to the IG, allowing many serious incidents to go uninvestigated.

Section 204. Report on Inspector General inspection and auditing. This section requires a report on the IG's statutory mandate to audit each Foreign Service post and bureau every five years (which is typically unfulfilled because of excessive associated costs) and the feasibility and advisability of a risk-based inspection and audit system.

Section 205. Implementing GAO and OIG recommendations. This section mandates that the Department brief the appropriate Congressional committees on all open GAO and OIG recommendations that could yield significant cost savings, if implemented, or relate to embassy security.

Section 206. Inspector General Salary Limitations. This section corrects an anomaly in current law, limiting salaries for employees of the Office of the Inspector General at USAID. This ensures all employees of the Office of the Inspector General at USAID are paid at levels consistent with employees of Inspector General offices throughout the Federal government. This language was requested by the Office of the Inspector General at USAID.

TITLE III—INTERNATIONAL ORGANIZATIONS

Section 301. Oversight of and accountability for peacekeeper abuses. Requires the Secretary to submit to Congress within 180 days a strategy and implementation plan for combatting sexual exploitation and abuse ("SEA") within UN peacekeeping operations, including a number of specified training and accountability mechanisms. Directs the U.S. Permanent Representative to the UN to use the voice, vote, and influence of the U.S. to advance these objectives. Asserts that the U.S. should deny training and assistance to countries that fail to investigate and hold accountable peacekeepers who have engaged in SEA. Directs the Secretary to identify in the Department's Annual Human Rights Report countries whose peacekeepers demonstrate a pattern of SEA and that have failed to institute appropriate reforms. Calls for the establishment of mechanisms to improve the capacity of countries to conduct investigations and hold personnel accountable, including through the use of DNA.

Section 302. Reimbursement of contributing countries. Calls on the UN Department of Peacekeeping Operations to make its formula for determining the reimbursement rates paid by the UN to troop- and police-contributing countries publicly available. It also urges the UN Secretary General's Senior Advisory Group on Peacekeeping Operations to audit the nationally-determined pay and benefits provided by countries to their national contingents in order to better inform the UN reimbursement rate.

Section 303. Withholding of assistance. States the policy of the U.S. that no U.S. security assistance should be provided to any foreign unit that has committed gross human rights violations or SEA during UN peacekeeping operations.

Section 304. United Nations peacekeeping assessment formula. Urges the United States Permanent Representative to the UN to use the vote, voice, and influence of the U.S. to urge the UN to share data explaining how peacekeeping assessment rates are calculated.

Section 305. Reimbursement or application of credits. This section directs the U.S. Permanent Representative to the UN to use the voice, vote, and influence of the U.S. to obtain reimbursement of peacekeeping “credits” generated from closed peacekeeping operations.

Section 306. Report on U.S. contributions to UN peacekeeping operations. Requires a detailed description of all U.S. contributions to UN peacekeeping operations during the prior fiscal year, including how funds were used, whether contributions were voluntary or assessed, and how U.S. contributions compare (as a percentage) to all contributions from any other source.

Section 307. Whistleblower protections for UN personnel. Directs the President to use the voice, vote, and influence of the U.S. at the UN: to remove UN officials who have failed to uphold the highest standards of ethics and integrity, especially related to preventing SEA by UN peacekeepers; to ensure whistleblower protections are extended to all UN personnel; to ensure that whistleblowers have adequate redress if they have suffered retaliation; to call for publication of information related to whistleblower complaints, investigations, and disciplinary measures; and to explore the feasibility of a standalone UN agency to investigate all allegations of misconduct, wrongdoing, or criminal behavior.

Section 308. Encouraging employment of United States citizens at the United Nations. Requires an annual report (for 4 years) detailing how UN agencies are fulfilling geographic quotas for personnel appointments, and an assessment of U.S. representation among senior UN positions.

Section 309. Statement of Policy on member state voting practices at the UN. States that the U.S. should consider a country’s voting record at the United Nations before entering into any agreements with that country.

Section 310. Qualifications of the UN Secretary General. Directs the Secretary to use the voice, vote, and influence of the U.S. to press future candidates running to be UN Secretary General to produce plans for reforming peacekeeping deployments and resource allocations of the UN. States that the U.S. should withhold support from any future candidate that refuses to produce and circulate such a plan.

Section 311. Policy regarding the UN Human Rights Council. Sense of the Congress that the U.S. should use its voice, vote, and influence at the UN: to improve the Human Rights Council

(HRC) voting behavior vis-à-vis Israel (including dropping anti-Israel items from the HRC's permanent agenda); to preclude from HRC membership countries that are subject to UN Security Council sanctions, under investigation for human rights abuses, supporters of international terrorism, or that the President has designated as a countries of particular concern for religious freedom; and to ensure that the HRC staff includes a percentage of U.S. citizens commensurate with the U.S. total assessed contribution to the UN general budget. Requires an annual report (for 6 years) on the status of US efforts to reform the HRC in these areas.

Section 312. Federal government contributions to the United Nations. This section requires OMB to annually report on all U.S. contributions to the UN, including assessed, voluntary, and in-kind contributions. [*Similar to H.R. 1034 authored by Rep. Mo Brooks*]

Section 313. Comparative Report on Peacekeeping Operations. Directs GAO to produce a one-time report comparing the relative costs and strengths of a UN peacekeeping mission versus a U.S.-led deployment for similar purposes.

TITLE IV—PERSONNEL AND ORGANIZATIONAL ISSUES

Section 401. Locally-employed staff wages. Requires State to establish and implement goals for local staff pay levels at each post based on recruiting, retention, and labor market conditions. Pay levels must be at least at the 50th percentile of the prevailing wage for comparable employment, rather than the current 60th percentile.

Section 402. Expansion of civil service opportunities. Expresses the sense of Congress that State should double the number of positions (from 20 to 40) in an existing program that permits Civil Service experts to do a tour of duty at posts abroad.

Section 403. Promotion to the senior foreign service. Mandates that Foreign Service Officers (FSOs) who joined after 2014 must serve at least one “tour” in a Global Affairs bureau (often referred to as a “functional bureau”) before they are admitted to the Senior Foreign Service, to address the criticisms that FSOs rise to senior positions without prior relevant work experience in other Departmental offices, and that the dearth of FSOs serving in “functional bureaus” diminishes those bureaus’ standing and ability to attract talent within the Department. [*Consistent with recommendations made in the Department of State 2015 Quadrennial Diplomacy and Development Review (QDDR)*]

Section 404. Lateral entry into the foreign service. Establishes a pilot program for talented, highly-skilled mid-career private-sector and Civil Service employees to enter the Foreign Service above the entry level.

Section 405. Reemployment of Annuitants and Workforce Rightsizing. Expands the Secretary’s authority to recall in times of need tenured civil servants that have voluntarily separated from

the Department and have elected to be available for recall, to eliminate the need to hire untrained new employees when recently retired personnel with requisite security clearances are available. Currently, that authority is restricted to retired members of the Foreign Service. Requires a report from the Secretary of State describing the implementation status of all rightsizing recommendations made by the Office of Management, Policy, Rightsizing, and Innovation.

Section 406. Integration of foreign economic policy. Requires the Department to establish a curriculum at the Foreign Service Institute (FSI) to develop the practical economic policy expertise and skill sets necessary in the workforce. Requires the establishment of foreign economic policy priorities for each regional bureau and throughout the Department, and designation of an existing Deputy Assistant Secretary position in each regional bureau to lead economic policy for that bureau. *[Consistent with recommendations made in the 2015 QDDR]*

Section 407. Training support services. Expands flexible personnel authorities to permit the hiring of specialists who support the vocational training program conducted by the Foreign Service Institute (FSI), including individuals with knowledge and skills that support academic programs or that are specific to the foreign affairs community such as former Economics Officers to serve as class mentors or as coordinators to identify speakers on specific subjects for a targeted program (*e.g.*, anti-terrorism financing or rule of law).

Section 408. Special agents. Authorizes Diplomatic Security special agents to investigate identity theft and document fraud, and federal offenses committed in the special maritime and territorial jurisdiction of the United States.

Section 409. Limited appointments in the foreign service. Authorizes State to extend five-year limited appointments in narrowly defined circumstances so that the Department may, for example, complete administrative career appointment technicalities or provide for active duty military service. Also codifies the Department practice of requiring limited non-career appointees to have a one-year break in service after completion of a five-year limited appointment before assuming a new limited appointment.

Section 410. Report on diversity recruitment, employment, retention, and promotion. Requires the Department to report to Congress every four years on the Department's progress in recruiting and retaining individuals from underrepresented groups, including service-disabled veterans.

Section 411. Market data for cost-of-living adjustments. Requires a one-time report to Congress on the feasibility and cost-effectiveness of using private-sector market data to determine cost-of-living adjustments for Foreign Service officers abroad (instead of calculating the "cost of living allowance" in-house).

Section 412. Technical amendment to federal workforce flexibility act. Clarifies the effect of an amendment made by the Federal Workforce Flexibility Act of 2004 (P.L. 108-411) that prohibited payment of recruitment, relocation, and retention benefits to a person who holds “a position to which an individual is appointed by the President, by and with the consent of the Senate.” Although intended to prohibit agencies from providing such benefits to traditional political appointees, it could also be interpreted to have the unintended effect of excluding all Foreign Service Officers. This language would preclude that interpretation.

Section 413. Retention of mid- and senior-level professionals from underrepresented groups. Expresses the sense of Congress that the Department should take steps to increase the number of underrepresented minorities in the mid and senior levels of the Department, and should review programs with similar objectives to determine best practices and lessons learned.

Section 414. Employee Assignment Restrictions. Requires the Secretary of State to establish a process where Department assignment restrictions are disclosed to the relevant employees, and establish an appeals process for any assignment restrictions.

Section 415. Security clearance suspensions. Specifies a process for suspending FSOs (upon suspension of that person’s security clearance, or reasonable suspicion of commission of serious crime), including rights to notification, appeal, timely adjudication, and salary while investigations are ongoing.

Section 416. Sense of Congress on the integration of policies related to the participation of women in preventing and resolving conflicts. Expresses the sense of the Congress that regional bureau policy priorities and entry-level FSO training should include recognition of the importance of the participation of women in preventing and resolving conflicts.

Section 417. Foreign Service families workforce study. Requires a one-time report on the workforce issues and career challenges to tandem couples (where both individuals are members of the Foreign Service) as well as families where only one adult is a member of the Foreign Service.

Section 418. Special envoys, representatives, advisors, and coordinators of the Department. Requires a one-time report on the special envoys, representatives, advisors, and coordinators of the Department, including details related to the individuals rank, position description, term in office, justification of authorization for the position, any supporting staff or resources of the position, and other related details.

TITLE V—CONSULAR AUTHORITIES

Section 501. Codification of enhanced consular immunities. Codifies the authority provided in the FY16 Omnibus to provide expanded consular immunities (on par with those provided to personnel working at embassies) on a reciprocal basis with foreign governments. This provision

provides protections for U.S. consular personnel in response to changing political conditions in a particular country, similar to the statutory mechanism in place to provide appropriate protections for personnel assigned to U.S. embassies and missions covered under the Vienna Convention on Diplomatic Relations.

Section 502. Passports made in the United States. Expresses the sense of Congress that all components of U.S. passports, including security features, should be made within the United States by U.S. companies and personnel with appropriate security clearances. Currently, some security features of passports are made in countries considered counterintelligence threats. Requires a briefing to determine the cost of producing all elements of the U.S. passport domestically.

TITLE VI—WESTERN HEMISPHERE DRUG POLICY COMMISSION

Section 601. Establishment. Establishes an independent U.S. International Drug Policy Commission for purposes of a one-time policy report. [*Similar to Rep. Engel's H.R. 1812*]

Section 602. Duties. Charges the Commission with reviewing U.S. counternarcotics policies internationally to identify policy and program options to improve current efforts. Lays out specific areas for review, encourages the commission to consult with government, academic and NGO leaders. Requires within 18 months a publicly available report with detailed recommendations, conclusions, and summaries of input received during consultations.

Section 603. Membership. 10 members, who may not be government officials: Two each appointed by House and Senate majority and minority leadership, and two by the President.

Section 604. Powers. Allows the Commission to hold hearings and have access to appropriate government documents and statistical data.

Section 605. Staff. Specifies that a Director shall be appointed by a majority vote of the Commission, and allows the hiring of staff (subject to pay limitations), detailing of USG employees, and acceptance of volunteer services.

Section 606. Sunset. Sunsets the Commission 60 days after issuance of its report.

TITLE VII—MISCELLANEOUS PROVISIONS

Section 701. Foreign relations exchange programs. Authorizes the establishment of programs allowing State Department employees to be assigned to foreign governments or international entities, which would in turn assign their employees to the Department. This authority could be used for the Transatlantic Diplomatic Fellowship program with the European Union or with NATO. Exchange programs that bring foreign diplomats on rotations to the Department of State already exist.

Section 702. United States Advisory Commission on Public Diplomacy. Extends for three years the operating authority for the United States Advisory Commission on Public Diplomacy (USACPD), which is affiliated with the Department and staffed with Department detailees, and has been working on ways to better communicate with foreign audiences.

Section 703. Broadcasting Board of Governors. Allows Radio Free Asia (RFA) to broadcast in the entire Asia region, not just the seven countries identified in current law (China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam), which excludes important broadcast populations (in Indonesia and the Philippines, for example). Mandates that any reforms to the Broadcasting Board of Governors (BBG) shall not change the federal status of either Radio or Television Marti (also known as the Office of Cuba Broadcasting) except by repealing this provision. Includes a sense of the Congress that broadcasting in the Sindhi language should be prioritized.

Section 704. Rewards for Justice. Amends the “Rewards for Justice” statute to allow payment of a reward to an individual who furnishes information leading to the arrest or conviction of a foreign individual for: aiding or abetting the commission of war crimes, crimes against humanity, or genocide; or preventing or frustrating efforts to apprehend a foreign national accused of war crimes, crimes against humanity, or genocide. Requires the Department to notify Congress within 15 days of any reward that is authorized (classified, if necessary). Mandates a one-time briefing to Congress outlining the number of fugitives for whom the US is seeking extradition or rendition as well as related information on such unresolved cases.

Section 705. Extension of period for reimbursement of seized commercial fishermen. Dxtends for five years the Secretary’s authority to reimburse fishermen for the fines and direct costs incurred from the illegal seizure and detention of a U.S.-flagged fishing vessel by a foreign government as a result of a claim of jurisdiction not recognized by the United States.

Section 706. Rangel, Pickering, and Payne Fellowship Programs. Directs the Department to select 10 additional individuals to participate in the Charles B. Rangel and Thomas R. Pickering fellowship programs, which recruit individuals from traditionally underrepresented groups to the Foreign Service, and specifies that this section does not authorize the hiring of additional personnel by the Department beyond existing hiring patterns.

Section 707. GAO report on Department critical telecommunications equipment or services obtained from suppliers closely linked to a leading cyber-threat actor. Requires a one-time report by the Government Accountability Office (GAO) detailing any critical telecommunications equipment, technologies, or services obtained from supplier linked to foreign cyber threat actors.

Section 708. Implementation plan for information technology and knowledge management. Requires a one-time report on how the Department is implementing suitable cloud computing and a virtual hub for analytics, data science, strategy and knowledge management.

Section 709. Ransoms to foreign terrorist organizations. Requires a one-time report detailing which countries (or entities) have paid ransoms to terrorist organization, directly or indirectly, during the previous calendar year. Details may be transmitted to the appropriate Congressional committees in a classified manner, if necessary.

Section 710. Strategy to combat terrorist use of social media. Requires the President to transmit to Congress a report on U.S. strategy to combat terrorists' use of social media. [Included in House-passed H.R. 3654 authored by Rep. Poe]

Section 711. Report on information technology acquisition practices. Requires that the Secretary provide a one-time report to the appropriate Congressional committees detailing the Department's IT acquisition processes.

Section 712. Public availability of reports on nominees to be Chiefs of Mission. Mandates that the "demonstrated competence of [a] nominee to perform the duties of the position in which he or she is to serve" which is required under section 304 (a)(4) of the Foreign Service Act of 1980 be made public within seven days of transmittal to the Senate.

Section 713. Recruitment and retention of individuals who have lived, worked, or studied in predominately Muslim countries or communities. Expresses the sense of Congress that State should make greater efforts to recruit experts with an academic background in Islamic studies and extensive time spent in the Middle East studying relevant culture, language, and history.

Section 714. Sense of Congress regarding coverage of appropriate therapies for dependents with Autism spectrum disorders (ASD). Expresses the sense of Congress that the Secretary should ensure health coverage and access for dependents with Autism spectrum disorder (ASD) of overseas employees of the Department.

Section 715. Repeal of obsolete reports. Over past decades, numerous statutes have created specific State Department reporting requirements without a sunset date, leading to the accretion of costly reporting requirements that, over time, have become duplicative (of other required reporting or readily available information sources), irrelevant (due to changed circumstances), and unused by Congress. This section repeals seven reports.

Section 716. Prohibition on additional funding. This section specifies that any costs associated with enactment of this Act shall be included under the current Appropriation levels; no additional funds are authorized.