

Calendar No. 468

114TH CONGRESS
2D SESSION**S. 2937**

To authorize appropriations for the Department of State for fiscal year 2017, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2016

Mr. CORKER, from the Committee on Foreign Relations, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for the Department of State for fiscal year 2017, 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 Authorization Act, Fiscal Year
6 2017”.

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

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

TITLE I—INTERNATIONAL ORGANIZATIONS

- Sec. 101. Oversight of and accountability for peacekeeper abuses.
- Sec. 102. Designation and reporting.
- Sec. 103. Withholding of assistance.
- Sec. 104. Report on Federal Government contributions to the United Nations.
- Sec. 105. Reimbursement or application of credits.
- Sec. 106. Reimbursement of contributing countries.
- Sec. 107. United Nations peacekeeping assessment formula.
- Sec. 108. Strategic Heritage Plan.
- Sec. 109. Whistleblower protections.
- Sec. 110. United Nations Human Rights Council.
- Sec. 111. Comparative report on peacekeeping operations.
- Sec. 112. Addressing misconduct in United Nations peacekeeping missions.
- Sec. 113. Whistleblower protections for United Nations personnel.

TITLE II—PERSONNEL AND ORGANIZATIONAL ISSUES

- Sec. 201. Market data for cost-of-living adjustments.
- Sec. 202. Overseas housing.
- Sec. 203. Locally-employed staff wages.
- Sec. 204. Expansion of civil service opportunities.
- Sec. 205. Promotion to the Senior Foreign Service.
- Sec. 206. Lateral entry into the Foreign Service.
- Sec. 207. Reemployment of annuitants.
- Sec. 208. Codification of enhanced consular immunities.
- Sec. 209. Accountability review board recommendations related to unsatisfactory leadership.
- Sec. 210. Personal services contractors.
- Sec. 211. Technical amendment to Federal Workforce Flexibility Act.
- Sec. 212. Training support services.
- Sec. 213. Limited appointments in the Foreign Service.
- Sec. 214. Home leave amendment.
- Sec. 215. Foreign Service workforce study.
- Sec. 216. Report on diversity recruitment, employment, retention, and promotion.
- Sec. 217. Foreign relations exchange programs.

TITLE III—CONSULAR AUTHORITIES

- Sec. 301. Information on passports, expedited passports, and visas issued by consular affairs.
- Sec. 302. Consular fee restructuring.
- Sec. 303. Protections for foreign employees of diplomatic missions and international organizations.
- Sec. 304. Border crossing fee for minors.
- Sec. 305. Signed photograph requirement for visa applications.
- Sec. 306. Electronic transmission of domestic violence information to visa applicants.
- Sec. 307. Amerasian immigration.
- Sec. 308. Technical amendment to the Immigration and Nationality Act.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Reports on embassy construction and security upgrade projects.
- Sec. 402. United States human rights dialogue review.
- Sec. 403. Sense of Congress on foreign cybersecurity threats.

- Sec. 404. Repeal of obsolete reports.
 Sec. 405. Sense of the Senate regarding the release of internationally adopted children from the Democratic Republic of Congo.
 Sec. 406. Communication with governments of countries designated as Tier 2 Watch List countries on the Trafficking in Persons Report.
 Sec. 407. Defense trade controls registration fees.
 Sec. 408. Authority to issue administrative subpoenas.
 Sec. 409. Extension of period for reimbursement of seized commercial fishermen.
 Sec. 410. Special agents.
 Sec. 411. Enhanced Department of State authority for uniformed guards.

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) CAPITAL MASTER PLAN.—The term “Cap-
 15 ital Master Plan” means the capital construction
 16 project at the United Nations Headquarters in New
 17 York City for which funding was approved by the
 18 United Nations General Assembly on December 22,
 19 2006 (A/RES/61/251).

1 (3) CONSULAR AFFAIRS.—The term “Consular
2 Affairs” means the Bureau of Consular Affairs of
3 the Department of State.

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

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

11 (6) GLOBAL AFFAIRS BUREAUS.—The term
12 “global affairs bureaus” means the following bu-
13 reaus of the Department:

14 (A) Bureaus reporting to the Under Sec-
15 retary for Economic Growth, Energy, and the
16 Environment.

17 (B) Bureaus reporting to the Under Sec-
18 retary for Arms Control and International Se-
19 curity.

20 (C) Bureaus reporting to the Under Sec-
21 retary for Public Diplomacy and Public Affairs.

22 (D) Bureaus reporting to the Under Sec-
23 retary for Civilian Security, Democracy, and
24 Human Rights.

1 (E) The Bureau of International Organiza-
2 tion Affairs.

3 (7) GLOBAL AFFAIRS POSITION.—The term
4 “global affairs position” means any position funded
5 with amounts appropriated to the Department under
6 the heading “Diplomatic Policy and Support”.

7 (8) INSPECTOR GENERAL.—Unless otherwise
8 specified, the term “Inspector General” means the
9 Office of Inspector General of the Department of
10 State.

11 (9) PEACEKEEPING ABUSE COUNTRY OF CON-
12 CERN.—The term “peacekeeping abuse country of
13 concern” means a country so designated by the Sec-
14 retary pursuant to section 102(a).

15 (10) PEACEKEEPING CREDITS.—The term
16 “peacekeeping credits” means the amounts by which
17 United States assessed peacekeeping contributions
18 exceed actual expenditures, apportioned to the
19 United States, of peacekeeping operations by the
20 United Nations during a United Nations peace-
21 keeping fiscal year.

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

24 (12) STRATEGIC HERITAGE PLAN.—The term
25 “Strategic Heritage Plan” means the capital con-

1 construction project at the United Nations’ Palais des
2 Nations building complex in Geneva, Switzerland, as
3 discussed in the Secretary–General’s “Second annual
4 progress report on the strategic heritage plan of the
5 United Nations Office at Geneva” (A/70/394), which
6 was published on September 25, 2015.

7 **TITLE I—INTERNATIONAL** 8 **ORGANIZATIONS**

9 **SEC. 101. OVERSIGHT OF AND ACCOUNTABILITY FOR** 10 **PEACEKEEPER ABUSES.**

11 (a) STRATEGY TO ENSURE REFORM AND ACCOUNT-
12 ABILITY.—Not later than 180 days after the date of the
13 enactment of this Act, the Secretary shall submit, in un-
14 classified form, to the appropriate congressional commit-
15 tees—

16 (1) a United States strategy for combating sex-
17 ual exploitation and abuse in United Nations peace-
18 keeping operations; and

19 (2) an implementation plan for achieving the
20 objectives set forth in the strategy described in para-
21 graph (1).

22 (b) OBJECTIVES.—The objectives of the strategy re-
23 quired under subsection (a) shall be—

24 (1) to ensure the introduction of improved
25 training, oversight, and accountability mechanisms

1 for United Nations peacekeeping operations and the
2 personnel involved with such operations;

3 (2) to dramatically reduce the incidence of sex-
4 ual exploitation and abuse committed by personnel
5 assigned to United Nations peacekeeping operations;

6 (3) to ensure swift justice for any such per-
7 sonnel who are found to have committed sexual ex-
8 ploitation or abuse; and

9 (4) to assist the United Nations and troop- or
10 police-contributing countries to improve their ability
11 to prevent, identify, and prosecute sexual exploi-
12 tation or abuse by personnel involved in peace-
13 keeping operations.

14 (c) ELEMENTS.—The strategy required under sub-
15 section (a) shall include the following elements and objec-
16 tives:

17 (1) The United States shall use its vote and in-
18 fluence at the United Nations to seek—

19 (A) the establishment of onsite courts-mar-
20 tial, as appropriate, for the prosecution of
21 crimes committed by peacekeeping personnel,
22 which is consistent with each peacekeeping mis-
23 sion's status of forces agreement with its host
24 country;

1 (B) the creation of a United Nations Secu-
2 rity Council ombudsman office that—

3 (i) is authorized to conduct ongoing
4 oversight of peacekeeping operations;

5 (ii) reports directly to the Security
6 Council on—

7 (I) offenses committed by peace-
8 keeping personnel or United Nations
9 civilian staff or volunteers; and

10 (II) the actions taken in response
11 to such offenses; and

12 (iii) provides reports to the Security
13 Council on the conduct of personnel in
14 each peacekeeping operation not less fre-
15 quently than annually and before the expi-
16 ration or renewal of the mandate of any
17 such peacekeeping operation;

18 (C) guidance from the United Nations on
19 the establishment of a standing claims commis-
20 sion for each peacekeeping operation—

21 (i) to address any grievances by a
22 host country's civilian population against
23 United Nations personnel in cases of al-
24 leged abuses by peacekeeping personnel;
25 and

1 (ii) to provide means for the govern-
2 ment of the country of which culpable
3 United Nations peacekeeping or civilian
4 personnel are nationals to compensate the
5 victims of such crimes;

6 (D) the adoption of a United Nations pol-
7 icy that—

8 (i) establishes benchmarks for the
9 identification of sexual exploitation or
10 abuse; and

11 (ii) ensures proper training of peace-
12 keeping personnel (including officers and
13 senior civilian personnel) in recognizing
14 and avoiding such offenses;

15 (E) the adoption of a United Nations pol-
16 icy that bars troop- or police-contributing coun-
17 tries that fail to fulfill their obligation to ensure
18 good order and discipline among their troops
19 from providing any further troops for peace op-
20 erations or restricts peacekeeper reimburse-
21 ments to such countries until training, institu-
22 tional reform, and oversight mechanisms have
23 been put in place that are adequate to prevent
24 such problems from reoccurring; and

1 (F) appropriate risk reduction policies, in-
2 cluding refusal by the United Nations to deploy
3 uniformed personnel from any troop- or police-
4 contributing country that does not adequately—

5 (i) investigate allegations of sexual ex-
6 ploitation or abuse involving nationals of
7 such country; and

8 (ii) ensure justice for those deter-
9 mined to have been responsible for such
10 sexual exploitation or abuse.

11 (2) The United States shall deny further
12 United States peacekeeper training or related assist-
13 ance, except for training specifically designed to re-
14 duce the incidence of sexual exploitation or abuse, or
15 to assist in its identification or prosecution, to any
16 troop- or police-contributing country that does not—

17 (A) implement and maintain effective
18 measures to enhance the discovery of sexual ex-
19 ploitation and abuse offenses committed by
20 peacekeeping personnel who are nationals of
21 such country;

22 (B) adequately respond to complaints
23 about such offenses by carrying out swift and
24 effective disciplinary action against the per-

1 sonnel who are found to have committed such
2 offenses; and

3 (C) provide detailed reporting to the om-
4 budsman described in paragraph (1)(B) (or
5 other appropriate United Nations official) that
6 describes the offenses committed by its nation-
7 als and its responses to such offenses.

8 (3) The United States shall develop support
9 mechanisms to assist troop- or police-contributing
10 countries—

11 (A) to improve their capacity to investigate
12 allegations of sexual exploitation and abuse of-
13 fenses committed by their nationals while par-
14 ticipating in a United Nations peacekeeping op-
15 eration; and

16 (B) to appropriately hold accountable any
17 individual who commits an act of sexual exploi-
18 tation or abuse.

19 (4) In coordination with the ombudsman de-
20 scribed in paragraph (1)(B) (or other appropriate
21 United Nations official), the Secretary shall identify,
22 in the Department's annual country reports on
23 human rights practices, the countries of origin of
24 any peacekeeping personnel or units that—

1 (A) are characterized by noteworthy pat-
2 terns of sexual exploitation or abuse; or

3 (B) have failed to institute appropriate in-
4 stitutional and procedural reforms after being
5 made aware of any such patterns.

6 (d) OPTIONAL DNA SAMPLING.—The United States
7 may encourage a troop- or police-contributing country—

8 (1) to develop its own system to obtain and
9 maintain DNA samples, consistent with the laws of
10 such country, from each national of such country
11 who is a member of a United Nations military con-
12 tingent or formed police unit; and

13 (2) to make the DNA samples referred to in
14 paragraph (1) available to such country's investiga-
15 tors if there are credible allegations of sexual exploi-
16 tation or abuse involving nationals described in para-
17 graph (1).

18 (e) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that none of the DNA samples contained in the
20 Armed Forces Repository of Specimen Samples for the
21 Identification of Remains should be shared with the
22 United Nations, a United Nations specialized agency, or
23 a United Nations affiliated organization.

1 **SEC. 102. DESIGNATION AND REPORTING.**

2 (a) DESIGNATION OF COUNTRIES WITH RECORDS OF
3 PEACEKEEPING ABUSE.—If credible information indicates
4 that personnel from any United Nations peacekeeping
5 troop- or police-contributing country have engaged in sex-
6 ual exploitation or abuse and credible allegations of such
7 misconduct indicate a pattern of significant and habitual
8 sexual exploitation or abuse, the Secretary shall—

9 (1) designate the country in question as a
10 “peacekeeping abuse country of concern”; and

11 (2) promptly notify the country in question of
12 its designation under this subsection.

13 (b) DURATION.—A designation under subsection
14 (a)(1) shall remain in effect until the Secretary determines
15 that—

16 (1) the pattern of significant and habitual sex-
17 ual exploitation or abuse that led to such designation
18 has ceased; and

19 (2) the country in question has taken appro-
20 priate steps—

21 (A) to prevent a pattern of significant and
22 habitual sexual exploitation or abuse in the fu-
23 ture; and

24 (B) to bring to justice the perpetrators of
25 any such sexual exploitation or abuse.

1 (c) PUBLIC LIST.—The Secretary shall maintain a
2 publicly-accessible list of all countries that are designated
3 as a peacekeeping abuse country of concern.

4 (d) INFORMATION.—The Secretary shall promptly in-
5 form the appropriate congressional committees whenever
6 the Secretary—

7 (1) designates a country as a peacekeeping
8 abuse country of concern; or

9 (2) determines that a country no longer quali-
10 fies as a peacekeeping abuse country of concern as
11 a result of meeting the criteria set forth in sub-
12 section (b).

13 (e) CREDIBLE INFORMATION.—In assessing whether
14 credible information indicates a pattern of significant and
15 habitual sexual exploitation or abuse, the Secretary should
16 consider all credible information, including—

17 (1) the contents of the annual United Nations
18 Secretary General’s Bulletin entitled “Special meas-
19 ures for protection from sexual exploitation and sex-
20 ual abuse”;

21 (2) classified and unclassified information resid-
22 ing in Federal Government databases or other rel-
23 evant records;

1 (3) open-source records, including media ac-
2 counts and information available on the Internet;
3 and

4 (4) information available from international or-
5 ganizations, foreign governments, and civil society
6 organizations.

7 **SEC. 103. WITHHOLDING OF ASSISTANCE.**

8 (a) STATEMENT OF UNITED STATES POLICY.—It is
9 the policy of the United States that assistance to security
10 forces should not be provided to any unit of the security
11 forces of a foreign country that has engaged in a gross
12 violation of human rights or in acts of sexual exploitation
13 or abuse, including while serving in a United Nations
14 peacekeeping operation.

15 (b) CLARIFICATION.—A gross violation of human
16 rights referred to in section 620M of the Foreign Assist-
17 ance Act of 1961 (22 U.S.C. 2378d) shall include any
18 gross violation of human rights committed by a unit serv-
19 ing in a United Nations peacekeeping operation.

20 (c) WITHHOLDING OF ASSISTANCE.—The Secretary
21 is authorized—

22 (1) to withhold any or all of the assistance to
23 security forces described in subsection (d) from any
24 unit of the security forces of a foreign country for
25 which the Secretary has determined that credible in-

1 formation exists that the unit has engaged in acts
2 of sexual exploitation or abuse, including while serv-
3 ing on a United Nations peacekeeping operation;
4 and

5 (2) to continue to withhold such assistance until
6 effective steps have been taken—

7 (A) to investigate, identify, and punish
8 such exploitation or abuse; and

9 (B) to prevent similar incidents from oc-
10 ccurring in the future.

11 (d) ASSISTANCE SPECIFIED.—The assistance to secu-
12 rity forces described in this subsection is the assistance
13 authorized under—

14 (1) sections 481, 516, 524, and 541 of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2291, 2321j,
16 2344, and 2347);

17 (2) chapter 6 of part II of the Foreign Assist-
18 ance Act of 1961 (22 U.S.C. 2348 et seq.); and

19 (3) section 23 of the Arms Export Control Act
20 (22 U.S.C. 2763).

21 (e) ALLOCATION OF WITHHELD FUNDS.—If funding
22 is withheld under subsection (c) or a country has been des-
23 ignated as a “peacekeeping abuse country of concern”
24 under section 102(a)(1), the President may make such
25 funds available to assist the foreign government to

1 strengthen civilian and military mechanisms of account-
2 ability to bring the responsible members of the security
3 forces to justice and to prevent future incidents provided
4 that a notification is submitted to Congress in accordance
5 with the procedures applicable to reprogramming notifica-
6 tions under section 34 of the State Department Basic Au-
7 thorities Act of 1956 (22 U.S.C. 2706).

8 (f) NOTIFICATION.—If the Secretary withholds as-
9 sistance to security forces from a unit of the security
10 forces of a foreign country pursuant to subsection (c), the
11 Secretary shall—

12 (1) promptly notify the government of such
13 country that such unit is ineligible for certain mili-
14 tary assistance from the United States; and

15 (2) provide written notification of such with-
16 holding to the appropriate congressional committees
17 not later than 10 days after the Secretary has deter-
18 mined to withhold such assistance or sales from such
19 unit.

20 **SEC. 104. REPORT ON FEDERAL GOVERNMENT CONTRIBU-**
21 **TIONS TO THE UNITED NATIONS.**

22 (a) IN GENERAL.—Section 4(c)(1) of the United Na-
23 tions Participation Act of 1945 (22 U.S.C. 287b(c)) is
24 amended—

1 (1) by amending subparagraph (A) to read as
2 follows:

3 “(A) A description of all assistance from
4 the United States to the United Nations to sup-
5 port peacekeeping operations that—

6 “(i) was provided during the previous
7 calendar year;

8 “(ii) is expected to be provided during
9 the current fiscal year; or

10 “(iii) is included in the annual budget
11 request to Congress for the budget year.”;

12 (2) by amending subparagraph (D) to read as
13 follows:

14 “(D) For assessed or voluntary contribu-
15 tions described in subparagraph (B)(iii) or
16 (C)(iii) that exceed \$100,000 in value, including
17 in-kind contributions—

18 “(i) the total amount or estimated
19 value of all such contributions to the
20 United Nations and to each of its affiliated
21 agencies and related bodies;

22 “(ii) the nature and estimated total
23 value of all in-kind contributions in sup-
24 port of United Nations peacekeeping oper-

1 ations and other international peace-
2 keeping operations, including—

3 “(I) logistics;

4 “(II) airlift;

5 “(III) arms and materiel;

6 “(IV) nonmilitary technology and
7 equipment;

8 “(V) personnel; and

9 “(VI) training;

10 “(iii) the approximate percentage of
11 all such contributions to the United Na-
12 tions and to each such agency or body
13 when compared with all contributions to
14 the United Nations and to each such agen-
15 cy or body from any source; and

16 “(iv) for each such United States
17 Government contribution to the United
18 Nations and to each such agency or
19 body—

20 “(I) the amount or value of the
21 contribution;

22 “(II) a description of the con-
23 tribution, including whether it is an
24 assessed or voluntary contribution;

1 “(III) the purpose of the con-
2 tribution;

3 “(IV) the department or agency
4 of the United States Government re-
5 sponsible for the contribution; and

6 “(V) the United Nations or
7 United Nations affiliated agency or
8 related body that received the con-
9 tribution.”; and

10 (3) by adding at the end the following:

11 “(E) The report required under this sub-
12 section shall be submitted in unclassified form,
13 but may include a classified annex.”.

14 (b) PUBLIC AVAILABILITY OF INFORMATION.—Not
15 later than 14 days after submitting each report under sec-
16 tion 4(c) of the United Nations Participation Act of 1945
17 (22 U.S.C. 287b(c)), the Director of the Office of Manage-
18 ment and Budget shall post a text-based, searchable
19 version of any unclassified information described in para-
20 graph (1)(D) of such section on a publicly available
21 website.

22 **SEC. 105. REIMBURSEMENT OR APPLICATION OF CREDITS.**

23 Notwithstanding any other provision of law, the
24 President shall direct the United States Permanent Rep-
25 resentative to the United Nations to use the voice, vote,

1 and influence of the United States at the United Nations
2 to seek and timely obtain a commitment from the United
3 Nations to make available to the United States any peace-
4 keeping credits that are generated from a closed peace-
5 keeping operation.

6 **SEC. 106. REIMBURSEMENT OF CONTRIBUTING COUN-**
7 **TRIES.**

8 It is the policy of the United States that—

9 (1) the present formula for determining the
10 troop reimbursement rate paid to troop- and police-
11 contributing countries for United Nations peace-
12 keeping should be clearly explained and made avail-
13 able to the public on the United Nations Depart-
14 ment of Peacekeeping Operations website;

15 (2) regular audits of the nationally-determined
16 pay and benefits given to personnel from troop- and
17 police-contributing countries participating in United
18 Nations peacekeeping operations should be con-
19 ducted to help inform the reimbursement rate; and

20 (3) the survey mechanism developed by the
21 United Nations Secretary-General's Senior Advisory
22 Group on Peacekeeping Operations for collecting
23 troop- and police-contributing country data on com-
24 mon and extraordinary expenses associated with de-
25 ploying personnel to peacekeeping missions should

1 be coordinated with the audits described in para-
2 graph (2) to ensure proper oversight and account-
3 ability.

4 **SEC. 107. UNITED NATIONS PEACEKEEPING ASSESSMENT**
5 **FORMULA.**

6 (a) INDEPENDENT ASSESSMENT.—Not later than 1
7 year after the date of the enactment of this Act, the Comp-
8 troller General of the United States shall—

9 (1) conduct a study of the formula and methods
10 by which the United Nations assesses member states
11 for financial support to peacekeeping operations to
12 determine an appropriate standard by which the
13 United Nations should assess such member states in
14 proportion to their capacity to contribute financially
15 to such operations; and

16 (2) submit the results of the study conducted
17 under paragraph (1) to the appropriate congress-
18 sional committees.

19 (b) ELEMENTS.—The study required under sub-
20 section (a) shall include—

21 (1) an explanation and analysis of the formula
22 and methods used by the United Nations to deter-
23 mine the peacekeeping assessments for each member
24 state, including—

1 (A) whether it is appropriate to use per
2 capita gross domestic product as the method of
3 calculation for determining a member country's
4 capacity to contribute;

5 (B) whether, and to what degree, member
6 countries should qualify for discounts through
7 the United Nations regular budget, the peace-
8 keeping budget, or both; and

9 (C) a survey and analysis of various meth-
10 ods of calculating capacity to contribute includ-
11 ing—

12 (i) the relative share of quota sub-
13 scription and voting shares at international
14 financial institutions such as the World
15 Bank Group and the International Mone-
16 tary Fund;

17 (ii) the size and nature of the coun-
18 try's reserves, including the size and com-
19 position of its other external assets; and

20 (iii) whether the country runs large
21 and prolonged current account surpluses;
22 and

23 (2) recommendations, based on the analysis
24 conducted under paragraph (1), for improving the
25 formula used by the United Nations to determine

1 the peacekeeping assessments for each member state
2 to better reflect each state's capacity to contribute
3 and appropriate burden-sharing among member
4 states.

5 **SEC. 108. STRATEGIC HERITAGE PLAN.**

6 (a) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, and every 2 years thereafter
8 until the Strategic Heritage Plan is complete, the Comp-
9 troller General of the United States shall submit a report
10 to the appropriate congressional committees on the Stra-
11 tegic Heritage Plan that includes—

12 (1) an update on the status of the project's
13 budget and schedule, including any changes to
14 scope, total project cost, or schedule;

15 (2) an update on financing plans for the
16 project, including the amount contributed by each
17 member state; and

18 (3) an assessment of the United Nations' man-
19 agement of the project, including whether lessons
20 learned during the implementation of the Capital
21 Master Plan are used to develop documented guid-
22 ance for the Strategic Heritage Plan.

23 (b) AUTHORIZATION.—Not later than 30 days before
24 the adoption of a budget for the Strategic Heritage Plan
25 by the United Nations General Assembly, the Secretary

1 shall certify to the appropriate congressional committees
2 whether—

3 (1) the United Nations has updated its policies
4 and procedures for capital projects to incorporate
5 lessons learned from the Capital Master Plan;

6 (2) the Department—

7 (A) has conducted a cost-benefit analysis
8 of the United Nations financing options for the
9 Strategic Heritage Plan, including the possi-
10 bility of special assessments on member states
11 and a long-term loan from the Government of
12 Switzerland; and

13 (B) has determined which option is most
14 financially advantageous for the United States;
15 and

16 (3) the United Nations has reviewed viable op-
17 tions for securing alternative financing to offset the
18 total project cost.

19 **SEC. 109. WHISTLEBLOWER PROTECTIONS.**

20 (a) CERTIFICATION OF WHISTLEBLOWER PROTEC-
21 TIONS.—Not more than 85 percent of the annual contribu-
22 tions by the United States to the United Nations (includ-
23 ing contributions to the Department of Peacekeeping Op-
24 erations) for any United Nations agency, or for the Orga-
25 nization of American States, may be obligated for such

1 organization, department, or agency until the Secretary
2 certifies to the appropriate congressional committees that
3 the organization, department, or agency receiving such
4 contributions is—

5 (1) posting on a publicly available website, con-
6 sistent with applicable privacy regulations and due
7 process, regular financial and programmatic audits
8 of such organization, department, or agency;

9 (2) providing the United States Government
10 with necessary access to the financial and perform-
11 ance audits described in paragraph (1); and

12 (3) effectively implementing and enforcing poli-
13 cies and procedures that reflect best practices for
14 the protection of whistleblowers from retaliation, in-
15 cluding—

16 (A) protection against retaliation for inter-
17 nal and lawful public disclosures;

18 (B) the establishment of appropriate legal
19 burdens of proof in disciplinary or other actions
20 taken against employees and the maintenance
21 of due process protections for such employees;

22 (C) the establishment of clear statutes of
23 limitation for reporting retaliation against whis-
24 tlers;

1 (D) appropriate access to independent ad-
2 judicative bodies, including external arbitration;
3 and

4 (E) prompt disciplinary action, as appro-
5 priate, against any officials who have engaged
6 in retaliation against whistleblowers.

7 (b) RELEASE OF WITHHELD CONTRIBUTIONS.—The
8 Secretary may obligate the remaining 15 percent of the
9 applicable United States contributions to an organization,
10 department, or agency subject to the certification require-
11 ment described in subsection (a) after the Secretary sub-
12 mits such certification to the appropriate congressional
13 committees.

14 (c) WAIVER.—

15 (1) IN GENERAL.—The Secretary may waive
16 the requirements under subsection (a) with respect
17 to a particular agency, organization, or department,
18 if the Secretary determines and reports to the ap-
19 propriate congressional committees that such a waiv-
20 er is necessary for the particular agency, organiza-
21 tion, or department to avert or respond to a humani-
22 tarian crisis.

23 (2) RENEWAL.—A waiver under paragraph (1)
24 may be renewed if the Secretary determines and re-
25 ports to the appropriate congressional committees

1 that such waiver remains necessary for that par-
2 ticular agency, organization, or department to avert
3 or respond to a humanitarian crisis.

4 **SEC. 110. UNITED NATIONS HUMAN RIGHTS COUNCIL.**

5 (a) **FUNDING PROHIBITION.**—No funding from the
6 United States Government may be made available to sup-
7 port the United Nations Human Rights Council until after
8 the Secretary certifies to the appropriate congressional
9 committees that—

10 (1) participation in the United Nations Human
11 Rights Council is in the national interest of the
12 United States; and

13 (2) the United Nations Humans Rights Council
14 is taking steps to remove “Human rights situation
15 in Palestine and other occupied Arab territories”
16 and any other specific item targeted at Israel as per-
17 manent items on the United Nations Human Rights
18 Council’s agenda.

19 (b) **REQUIREMENT.**—The certification under sub-
20 section (a) shall include—

21 (1) an explanation of the reasoning behind the
22 certification; and

23 (2) the steps that have been taken to remove
24 “Human rights situation in Palestine and other oc-

1 cupied Arab territories” and any other specific item
2 targeted at Israel as permanent agenda items.

3 (c) ADDITIONAL INFORMATION.—Not later than 90
4 days after the date of the enactment of this Act, and annu-
5 ally thereafter, the Secretary shall submit a report to the
6 appropriate congressional committees that describes—

7 (1) the resolutions that were considered in the
8 United Nations Human Rights Council during the
9 previous 12 months; and

10 (2) steps that have been taken during that 12-
11 month period to remove “Human rights situation in
12 Palestine and other occupied Arab territories” and
13 any other specific item targeted at Israel as perma-
14 nent agenda items for the United Nations Human
15 Rights Council.

16 (d) WAIVER.—The Secretary may waive the restric-
17 tions imposed under subsection (a), on an annual basis,
18 if the Secretary—

19 (1) determines that such a waiver is in the for-
20 eign policy or national security interests of the
21 United States; and

22 (2) submits a written explanation to the appro-
23 priate congressional committees of the reasoning be-
24 hind such determination.

1 (e) TERMINATION.—The funding limitation under
2 subsection (a) shall terminate after the Secretary certifies
3 pursuant to that subsection that “Human rights situation
4 in Palestine and other occupied Arab territories” and any
5 other specific item targeted at Israel have been removed
6 as permanent items on the United Nations Human Rights
7 Council’s agenda.

8 **SEC. 111. COMPARATIVE REPORT ON PEACEKEEPING OP-**
9 **ERATIONS.**

10 Not later than 1 year after the date of the enactment
11 of this Act, the Comptroller General of the United States
12 shall submit a report to the appropriate congressional
13 committees on the costs, strengths, and limitations of
14 United States and United Nations peacekeeping oper-
15 ations, which shall include—

16 (1) a comparison of the costs of current United
17 Nations peacekeeping missions and the estimated
18 cost of comparable United States peacekeeping oper-
19 ations; and

20 (2) an analysis of the strengths and limitations
21 of—

22 (A) a peacekeeping operation led by the
23 United States; and

24 (B) a peacekeeping operation led by the
25 United Nations.

1 **SEC. 112. ADDRESSING MISCONDUCT IN UNITED NATIONS**
2 **PEACEKEEPING MISSIONS.**

3 (a) REFORMS.—The President shall direct the United
4 States Permanent Representative to the United Nations
5 to use the voice, vote, and influence of the United States
6 at the United Nations—

7 (1) to seek to alter the model memorandum of
8 understanding for troop-contributing countries par-
9 ticipating in United Nations peacekeeping missions
10 to strengthen accountability measures related to the
11 investigation, prosecution, and discipline of their
12 troops in cases of misconduct;

13 (2) to seek to ensure that for each United Na-
14 tions peacekeeping mission mandate renewal that is
15 approved and for any new peacekeeping mission, the
16 memorandum of understanding with the troop-con-
17 tributing countries contains strong provisions that
18 ensure an investigation and response to allegations
19 of sexual exploitation and abuse offenses and the
20 execution of swift and effective disciplinary action
21 against personnel found to have committed the of-
22 fenses is taken; and

23 (3) to seek to require the immediate repatri-
24 ation of a particular military unit or formed police
25 unit of a troop- or police-contributing country in a
26 United Nations peacekeeping operation when there

1 is credible information of widespread or systemic
2 sexual exploitation or abuse by that unit and to pre-
3 vent the deployment of that particular unit in a
4 peacekeeping capacity until demonstrable progress
5 has been made to prevent similar offenses from oc-
6 curring in the future, to strengthen command and
7 control, and to investigate and hold accountable
8 those found guilty of sexual exploitation or abuse.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 of State shall submit to Congress a report with rec-
13 ommendations for changing the model memorandum
14 of understanding for troop-contributing countries
15 participating in United Nations peacekeeping mis-
16 sions that strengthen accountability measures and
17 prevent sexual exploitation and abuse by United Na-
18 tions personnel.

19 (2) ELEMENTS.—The report required under
20 paragraph (1) shall include the following elements:

21 (A) A plan to ensure the recommendations
22 described in such paragraph are incorporated
23 into the model memorandum of understanding.

24 (B) Specific recommendation on ways to
25 track the progress and process by which a

1 troop-contributing country investigates, pros-
2 ecutes, and holds personnel accountable for mis-
3 conduct.

4 **SEC. 113. WHISTLEBLOWER PROTECTIONS FOR UNITED NA-**
5 **TIONS PERSONNEL.**

6 The President shall direct the United States Perma-
7 nent Representative to the United Nations to use the
8 voice, vote, and influence of the United States at the
9 United Nations—

10 (1) to call for the removal of any official at the
11 United Nations whom the Department of State de-
12 termines has failed to uphold the highest standards
13 of ethics and integrity established by the United Na-
14 tions, and whose conduct, with respect to preventing
15 sexual exploitation and abuse by United Nations
16 peacekeepers, has resulted in the erosion of public
17 confidence in the United Nations;

18 (2) to ensure that adequate whistleblower pro-
19 tections are extended to United Nations peace-
20 keepers, United Nations police officers, United Na-
21 tions staff, contractors, and victims of misconduct
22 involving United Nations personnel; and

23 (3) to ensure that the United Nations estab-
24 lishes and implements adequate protection measures

1 for whistleblowers who report significant allegations
2 of wrongdoing by United Nations officials.

3 **TITLE II—PERSONNEL AND**
4 **ORGANIZATIONAL ISSUES**

5 **SEC. 201. MARKET DATA FOR COST-OF-LIVING ADJUST-**
6 **MENTS.**

7 (a) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 a report to the appropriate congressional committees that
10 examines the feasibility and cost effectiveness of using pri-
11 vate sector market data to determine cost of living adjust-
12 ments for foreign service officers and Federal Government
13 civilians who are stationed abroad.

14 (b) CONTENT.—The report required under subsection
15 (a) shall include—

16 (1) a list of at least 4 private sector providers
17 of international cost-of-living data that the Secretary
18 determines are qualified to provide such data;

19 (2) a list of cities in which the Department
20 maintains diplomatic posts for which private sector
21 cost-of-living data is not available;

22 (3) a comparison of—

23 (A) the cost of purchasing cost-of-living
24 data from each provider listed in paragraph (1);

25 and

1 (B) the cost (including Department labor
2 costs) of producing such rates internally; and

3 (4) for countries in which the Department pro-
4 vides a cost-of-living allowance greater than zero and
5 the World Bank estimates that the national price
6 level of the country is less than the national price
7 level of the United States, a comparison of cost-of-
8 living allowances, excluding housing costs, of the pri-
9 vate sector providers referred to in paragraph (1) to
10 rates constructed by the Department's Office of Al-
11 lowances.

12 (c) WAIVER.—If the Secretary determines that com-
13 pliance with subsection (b)(4) at a particular location is
14 cost-prohibitive, the Secretary may waive the requirement
15 under subsection (b)(4) for that location if the Secretary
16 submits written notice and an explanation of the reasons
17 for the waiver to the appropriate congressional commit-
18 tees.

19 **SEC. 202. OVERSEAS HOUSING.**

20 (a) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Comptroller General of
22 the United States shall submit a report to the appropriate
23 congressional committees that analyzes and compares—

24 (1) overseas housing policies and rates for civil-
25 ians, as set by the Department; and

1 (2) overseas housing policies and rates for mili-
2 tary personnel, as set by the Department of Defense.

3 (b) CONTENT.—The report required under subsection
4 (a) shall include—

5 (1) a comparison of overseas housing policies,
6 pertaining to the size and quality of government-pro-
7 vided housing and the rates for individually leased
8 housing, for Federal Government civilians and mili-
9 tary personnel;

10 (2) a comparison of rates for individually leased
11 overseas housing for civilians and military personnel
12 by comparable rank and family size;

13 (3) an analysis of any factors specific to the ci-
14 vilian population or military population that warrant
15 separate housing policies and rates;

16 (4) a recommendation on the feasibility and
17 cost-effectiveness of consolidating civilian and mili-
18 tary policies and rates for individually-leased hous-
19 ing into a single approach for all United States per-
20 sonnel who are stationed overseas; and

21 (5) additional policy recommendations based on
22 the Comptroller General’s analysis.

23 **SEC. 203. LOCALLY-EMPLOYED STAFF WAGES.**

24 (a) MARKET-RESPONSIVE STAFF WAGES.—Not later
25 than 180 days after the date of enactment of this Act,

1 and periodically thereafter, the Secretary shall establish
2 and implement a prevailing wage rates goal for positions
3 in the local compensation plan, as described in section 408
4 of the Foreign Service Act of 1980 (22 U.S.C. 3968), at
5 each diplomatic post that—

6 (1) is based on the specific recruiting and re-
7 tention needs of the post and local labor market con-
8 ditions, as determined annually; and

9 (2) is not less than the 50th percentile of the
10 prevailing wage for comparable employment in the
11 labor market surrounding the post.

12 (b) EXCEPTION.—The prevailing wage rate goal es-
13 tablished under subsection (a) may differ from the re-
14 quirements under such subsection if required by law in
15 the locality of employment.

16 (c) RECORDKEEPING REQUIREMENT.—The analyt-
17 ical assumptions underlying the calculation of wage levels
18 at each diplomatic post under subsection (a), and the data
19 upon which such calculation is based—

20 (1) shall be filed electronically and retained for
21 not less than 5 years; and

22 (2) shall be made available to the appropriate
23 congressional committees upon request.

1 **SEC. 204. EXPANSION OF CIVIL SERVICE OPPORTUNITIES.**

2 It is the sense of Congress that the Department
3 should—

4 (1) expand the Overseas Development Program
5 from 20 positions to not fewer than 40 positions
6 within 1 year after the date of the enactment of this
7 Act;

8 (2) analyze the costs and benefits of expanding
9 the Overseas Development Program; and

10 (3) expand the Overseas Development Program
11 to more than 40 positions if the benefits identified
12 in paragraph (2) outweigh the costs identified in
13 such paragraph.

14 **SEC. 205. PROMOTION TO THE SENIOR FOREIGN SERVICE.**

15 Section 601(c) of the Foreign Service Act of 1980
16 (22 U.S.C. 4001(c)) is amended by adding at the end the
17 following:

18 “(6)(A) The promotion of any individual joining
19 the Service on or after January 1, 2017, to the Sen-
20 ior Foreign Service shall be contingent upon the in-
21 dividual completing at least 1 tour in—

22 “(i) a global affairs bureau; or

23 “(ii) a global affairs position.

24 “(B) In this paragraph:

1 “(i) The term ‘global affairs bureaus’
2 means the following bureaus of the Depart-
3 ment:

4 “(I) Bureaus reporting to the Under
5 Secretary for Economic Growth, Energy,
6 and Environment.

7 “(II) Bureaus reporting to the Under
8 Secretary for Arms Control and Inter-
9 national Security.

10 “(III) Bureaus reporting to the Under
11 Secretary for Public Diplomacy and Public
12 Affairs.

13 “(IV) Bureaus reporting to the Under
14 Secretary for Civilian, Security, Democ-
15 racy, and Human Rights.

16 “(V) The Bureau of International Or-
17 ganization Affairs.

18 “(ii) The term ‘global affairs position’
19 means any position funded with amounts appro-
20 priated to the Department of State under the
21 heading ‘Diplomatic Policy and Support’.

22 “(C) The requirements under subparagraph (A)
23 shall not apply if the Secretary of State certifies
24 that the individual proposed for promotion to the
25 Senior Foreign Service—

1 “(i) has met all other requirements appli-
2 cable to such promotion; and

3 “(ii) was unable to complete a tour in a
4 global affairs bureau or global affairs position
5 because there was not a reasonable opportunity
6 for the individual to be assigned to such a post-
7 ing.”.

8 **SEC. 206. LATERAL ENTRY INTO THE FOREIGN SERVICE.**

9 (a) **POLICY OF THE UNITED STATES.**—It is the pol-
10 icy of the United States to maximize the ability of the
11 Foreign Service to draw upon the talents of the American
12 people to most effectively promote the foreign policy inter-
13 ests of the United States.

14 (b) **FINDING.**—Congress finds that—

15 (1) the Foreign Service practice of grooming
16 generalists for careers in the Foreign Service, start-
17 ing with junior level directed assignments, is effec-
18 tive for most officers; and

19 (2) the practice described in paragraph (1) pre-
20 cludes the recruitment of many patriotic, highly-
21 skilled, talented, and experienced mid-career profes-
22 sionals who wish to join public service and con-
23 tribute to the work of the Foreign Service, but are
24 not in a position to restart their careers as entry-
25 level government employees.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Foreign Service should permit mid-career
3 entry into the Foreign Service for qualified individuals
4 who are willing to bring their outstanding talents and ex-
5 periences to the work of the Foreign Service.

6 (d) PILOT PROGRAM.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary shall
8 establish a 3-year pilot program for lateral entry into the
9 Foreign Service that—

10 (1) targets mid-career individuals from the civil
11 service and private sector who have skills and experi-
12 ence that would be extremely valuable to the Foreign
13 Service;

14 (2) is in full comportment with current Foreign
15 Service intake procedures, including the requirement
16 to pass the Foreign Service exam;

17 (3) offers participants in the pilot program
18 placement in the Foreign Service at a grade level
19 higher than FS-4 if such placement is warranted by
20 their education and qualifying experience;

21 (4) requires only 1 directed assignment in a po-
22 sition appropriate to the pilot program participant's
23 grade level;

24 (5) includes, as part of the required initial
25 training, a class or module that specifically prepares

1 participants in the pilot program for life in the For-
2 eign Service, including conveying to them essential
3 elements of the practical knowledge that is normally
4 acquired during a Foreign Service officer's initial as-
5 signments; and

6 (6) includes an annual assessment of the
7 progress of the pilot program by a review board con-
8 sisting of Department officials with appropriate ex-
9 pertise, including employees of the Foreign Service,
10 in order to evaluate the pilot program's success and
11 direction in advancing the policy set forth in sub-
12 section (a) in light of the findings set forth in sub-
13 section (b).

14 (e) ANNUAL REPORTING.—Not later than 1 year
15 after the date of the enactment of this Act, and annually
16 thereafter for the duration of the pilot program, the Sec-
17 retary shall submit a report to the appropriate congres-
18 sional committees that describes—

19 (1) the cumulative number of accepted and
20 unaccepted applicants to the pilot program estab-
21 lished under subsection (d);

22 (2) the cumulative number of pilot program
23 participants placed into each Foreign Service cone;

24 (3) the grade level at which each pilot program
25 participant entered the Foreign Service;

1 (4) information about the first assignment to
2 which each pilot program participant was directed;

3 (5) the structure and operation of the pilot pro-
4 gram, including—

5 (A) the operation of the pilot program to
6 date; and

7 (B) any observations and lessons learned
8 about the pilot program that the Secretary con-
9 siders relevant.

10 (f) LONGITUDINAL DATA.—The Secretary shall—

11 (1) collect and maintain data on the career pro-
12 gression of each pilot program participant for the
13 length of the participant’s Foreign Service career;
14 and

15 (2) make the data described in paragraph (1)
16 available to the appropriate congressional commit-
17 tees upon request.

18 **SEC. 207. REEMPLOYMENT OF ANNUITANTS.**

19 (a) WAIVER OF ANNUITY LIMITATIONS.—Section
20 824(g) of the Foreign Service Act of 1980 (22 U.S.C.
21 4064(g)) is amended—

22 (1) in paragraph (1)(B), by striking “to facili-
23 tate the” and all that follows through “Afghani-
24 stan,”;

25 (2) by striking paragraph (2); and

1 (3) by redesignating paragraph (3) as para-
2 graph (2).

3 (b) REPEAL OF SUNSET PROVISION.—Section 61(a)
4 of the State Department Basic Authorities Act of 1956
5 (22 U.S.C. 2733(a)) is amended to read as follows:

6 “(a) AUTHORITY.—The Secretary of State may waive
7 the application of section 8344 or 8468 of title 5, United
8 States Code, on a case-by-case basis, for employment of
9 an annuitant in a position in the Department of State for
10 which there is exceptional difficulty in recruiting or retain-
11 ing a qualified employee, or when a temporary emergency
12 hiring need exists.”.

13 **SEC. 208. CODIFICATION OF ENHANCED CONSULAR IMMUN-**
14 **NITIES.**

15 Section 4 of the Diplomatic Relations Act (22 U.S.C.
16 254c) is amended—

17 (1) by striking “The President” and inserting
18 the following:

19 “(a) IN GENERAL.—The President”; and

20 (2) by adding at the end the following:

21 “(b) CONSULAR IMMUNITY.—

22 “(1) IN GENERAL.—The Secretary of State,
23 with the concurrence of the Attorney General, may,
24 on the basis of reciprocity and under such terms and
25 conditions as the Secretary may determine, specify

1 privileges and immunities for a consular post, the
2 members of a consular post, and their families which
3 result in more favorable or less favorable treatment
4 than is provided in the Vienna Convention.

5 “(2) CONSULTATION.—Before exercising the
6 authority under paragraph (1), the Secretary shall
7 consult with the appropriate congressional commit-
8 tees on the circumstances that may warrant the
9 need for privileges and immunities providing more
10 favorable or less favorable treatment than is pro-
11 vided in the Vienna Convention.”.

12 **SEC. 209. ACCOUNTABILITY REVIEW BOARD RECOMMENDA-**
13 **TIONS RELATED TO UNSATISFACTORY LEAD-**
14 **ERSHIP.**

15 Section 304(c) of the Diplomatic Security Act (22
16 U.S.C. 4834(c)) is amended—

17 (1) by redesignating paragraphs (1), (2), and
18 (3) as subparagraphs (A), (B), and (C), respectively;

19 (2) by striking “Whenever” and inserting the
20 following:

21 “(1) BREACH OF DUTY.—Whenever”;

22 (3) by striking “In determining” and inserting
23 the following:

24 “(2) FACTORS.—In determining”; and

25 (4) by adding at the end the following:

1 “(3) UNSATISFACTORY LEADERSHIP.—

2 “(A) GROUNDS FOR DISCIPLINARY AC-
3 TION.—Unsatisfactory leadership by a senior
4 official with respect to a security incident in-
5 volving loss of life, serious injury or significant
6 destruction of property at or related to a
7 United States Government mission abroad may
8 be grounds for disciplinary action.

9 “(B) RECOMMENDATION.—If a Board
10 finds reasonable cause to believe that a senior
11 official provided unsatisfactory leadership (as
12 described in subparagraph (A)), the Board may
13 recommend disciplinary action subject to the
14 procedures set forth in paragraphs (1) and
15 (2).”.

16 **SEC. 210. PERSONAL SERVICES CONTRACTORS.**

17 (a) IN GENERAL.—Subject to subsections (b) and (c),
18 the Secretary may establish a pilot program (referred to
19 in this section as the “Program”) for hiring United States
20 citizens or aliens as personal services contractors. Per-
21 sonal services contractors hired under this section may
22 provide services in the United States and outside of the
23 United States to respond to new or emerging needs or to
24 augment existing services.

1 (b) CONDITIONS.—The Secretary may hire personal
2 services contractors under the Program if—

3 (1) the Secretary determines that existing per-
4 sonnel resources are insufficient;

5 (2) the period in which services are provided by
6 a personal services contractor under the Program,
7 including options, does not exceed 2 years, unless
8 the Secretary determines that exceptional cir-
9 cumstances justify an extension of up to 1 additional
10 year;

11 (3) not more than 200 United States citizens or
12 aliens are employed as personal services contractors
13 under the Program at any time; and

14 (4) the Program is only used to obtain special-
15 ized skills or experience or to respond to urgent
16 needs.

17 (c) STATUS OF PERSONAL SERVICE CONTRAC-
18 TORS.—

19 (1) NOT A GOVERNMENT EMPLOYEE.—Subject
20 to paragraph (2), an individual hired as a personal
21 services contractor under the Program shall not, by
22 virtue of such hiring, be considered to be an em-
23 ployee of the United States Government for pur-
24 poses of any law administered by the Office of Per-
25 sonnel Management.

1 (2) APPLICABLE LAW.—An individual hired as
2 a personal services contractor pursuant to this sec-
3 tion shall be covered, in the same manner as a simi-
4 larly-situated employee, by—

5 (A) the Ethics in Government Act of 1978
6 (5 U.S.C. App.);

7 (B) chapter 73 of title 5, United States
8 Code;

9 (C) sections 201, 203, 205, 207, 208, and
10 209 of title 18, United States Code;

11 (D) section 1346 and chapter 171 of title
12 28, United States Code; and

13 (E) chapter 21 of title 41, United States
14 Code.

15 (3) SAVINGS PROVISION.—Except as provided
16 in paragraphs (1) and (2), nothing in this section
17 may be construed to affect the determination of
18 whether an individual hired as a personal services
19 contractor under the Program is an employee of the
20 United States Government for purposes of any Fed-
21 eral law.

22 (d) TERMINATION OF AUTHORITY.—

23 (1) IN GENERAL.—The authority to award per-
24 sonal services contracts under the Program shall ter-
25minate on September 30, 2019.

1 to the design, delivery, oversight, or coordination of train-
2 ing delivered by the institution”.

3 **SEC. 213. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
4 **ICE.**

5 Section 309 of the Foreign Service Act (22 U.S.C.
6 3949), is amended—

7 (1) in subsection (a) by striking “subsection
8 (b)” and inserting “subsections (b) and (c)”;

9 (2) in subsection (b)—

10 (A) in paragraph (3)—

11 (i) by striking “if continued service”

12 and inserting the following: “if—

13 “(A) continued service”; and

14 (B) by adding at the end the following: “or

15 “(B) the individual is serving in the uni-

16 formed services (as defined in section 4303 of

17 title 38, United States Code) and the limited

18 appointment expires in the course of such serv-

19 ice”;

20 (C) in paragraph (4), by striking “and” at

21 the end;

22 (D) in paragraph (5), by striking the pe-

23 riod at the end and inserting a semicolon; and

24 (E) by adding at the end the following:

1 “(6) in exceptional circumstances if the Sec-
2 retary determines the needs of the Service require
3 the extension of—

4 “(A) a limited noncareer appointment for a
5 period not to exceed 1 year; or

6 “(B) a limited appointment of a career
7 candidate for the minimum time needed to re-
8 solve a grievance, claim, investigation, or com-
9 plaint not otherwise provided for in this sec-
10 tion.”; and

11 (3) by adding at the end the following:

12 “(c)(1) Noncareer employees who have served for 5
13 consecutive years under a limited appointment may be re-
14 appointed to a subsequent noncareer limited appointment
15 if there is at least a 1-year break in service before such
16 new appointment.

17 “(2) The Secretary may waive the 1-year break re-
18 quirement under paragraph (1) in cases of special need.”.

19 **SEC. 214. HOME LEAVE AMENDMENT.**

20 (a) **LENGTH OF CONTINUOUS SERVICE ABROAD.**—
21 Section 903(a) of the Foreign Service Act of 1980 (22
22 U.S.C. 4083) is amended by inserting “(or after a shorter
23 period of such service if the member’s assignment is termi-
24 nated for the convenience of the Service)” after “12
25 months of continuous service abroad”.

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 a report to the appropriate congressional committees that
4 recounts the number of instances during the 3-year period
5 ending on such date of enactment that the Foreign Service
6 permitted home leave for a member after fewer than 12
7 months of continuous service abroad.

8 **SEC. 215. FOREIGN SERVICE WORKFORCE STUDY.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary shall submit a report to
11 the appropriate congressional committees that contains
12 the results of a study on workforce issues and challenges
13 to career opportunities pertaining to tandem couples in the
14 Foreign Service.

15 **SEC. 216. REPORT ON DIVERSITY RECRUITMENT, EMPLOY-**
16 **MENT, RETENTION, AND PROMOTION.**

17 (a) IN GENERAL.—The Secretary should provide
18 oversight to the employment, retention, and promotion of
19 underrepresented groups.

20 (b) ADDITIONAL RECRUITMENT AND OUTREACH RE-
21 QUIRED.—The Department should conduct recruitment
22 activities that—

23 (1) develop and implement effective mechanisms
24 to ensure that the Department is able effectively to

1 recruit and retain highly qualified candidates from
2 minority-serving institutions; and

3 (2) improve and expand recruitment and out-
4 reach programs at minority-serving institutions.

5 (c) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, and quadrennially thereafter,
7 the Secretary of State shall submit a comprehensive report
8 to Congress that describes the efforts, consistent with ex-
9 isting law, including procedures, effects, and results of the
10 Department since the period covered by the prior such re-
11 port, to promote equal opportunity and inclusion for all
12 American employees in direct hire and personal service
13 contractors status, particularly employees of the Foreign
14 Service, to include equal opportunity for all races,
15 ethnicities, ages, genders, and service-disabled veterans,
16 with a focus on traditionally underrepresented minority
17 groups.

18 **SEC. 217. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

19 (a) EXCHANGES AUTHORIZED.—Title I of the State
20 Department Basic Authorities Act of 1956 (22 U.S.C.
21 2651a et seq.) is amended by adding at the end the fol-
22 lowing:

23 **“SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

24 “(a) AUTHORITY.—The Secretary may establish ex-
25 change programs under which officers or employees of the

1 Department of State, including individuals appointed
2 under title 5, United States Code, and members of the
3 Foreign Service (as defined in section 103 of the Foreign
4 Service Act of 1980 (22 U.S.C. 3903)), may be assigned,
5 for not more than one year, to a position with any foreign
6 government or international entity that permits an em-
7 ployee to be assigned to a position with the Department
8 of State.

9 “(b) SALARY AND BENEFITS.—

10 “(1) MEMBERS OF FOREIGN SERVICE.—During
11 a period in which a member of the Foreign Service
12 is participating in an exchange program authorized
13 pursuant to subsection (a), the member shall be en-
14 titled to the salary and benefits to which the mem-
15 ber would receive but for the assignment under this
16 section.

17 “(2) NON-FOREIGN SERVICE EMPLOYEES OF
18 DEPARTMENT.—An employee of the Department of
19 State other than a member of the Foreign Service
20 participating in an exchange program authorized
21 pursuant to subsection (a) shall be treated in all re-
22 spects as if detailed to an international organization
23 pursuant to section 3343(c) of title 5, United States
24 Code.

1 “(3) FOREIGN PARTICIPANTS.—The salary and
2 benefits of an employee of a foreign government or
3 international entity participating in a program es-
4 tablished under this section shall be paid by such
5 government or entity during the period in which
6 such employee is participating in the program, and
7 shall not be reimbursed by the Department of State.

8 “(c) NON-RECIPROCAL ASSIGNMENT.—The Secretary
9 may authorize a non-reciprocal assignment of personnel
10 pursuant to this section, with or without reimbursement
11 from the foreign government or international entity for all
12 or part of the salary and other expenses payable during
13 the assignment, if it is in the interests of the United
14 States.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to—

17 “(1) authorize the appointment as an officer or
18 employee of the United States of—

19 “(A) an individual whose allegiance is to
20 any country, government, or foreign or inter-
21 national entity other than to the United States
22 of America; or

23 “(B) an individual who has not met the re-
24 quirements of sections 3331, 3332, 3333, and
25 7311 of title 5, United States Code, or any

1 other provision of law concerning eligibility for
2 appointment as, and continuation of employ-
3 ment as, an officer or employee of the United
4 States.”.

5 **TITLE III—CONSULAR**
6 **AUTHORITIES**

7 **SEC. 301. INFORMATION ON PASSPORTS, EXPEDITED PASS-**
8 **PORTS, AND VISAS ISSUED BY CONSULAR AF-**
9 **FAIRS.**

10 The President’s annual budget submitted under sec-
11 tion 1105(a) of title 31, United States Code, shall iden-
12 tify—

13 (1) the number of passports, expedited pass-
14 ports, and visas issued by Consular Affairs during
15 the 3 most recent fiscal years; and

16 (2) the number of passports, expedited pass-
17 ports, and visas that Consular Affairs estimates, for
18 purposes of such annual budget, will be issued dur-
19 ing the next fiscal year.

20 **SEC. 302. CONSULAR FEE RESTRUCTURING.**

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

23 (1) Consular Affairs, as a wholly fee-funded op-
24 eration, should have a fee structure that allows it to
25 be self-sufficient, efficient, and transparent;

1 (2) the current fee structure for Consular Af-
2 fairs has significant flaws and should be reformed;
3 and

4 (3) fees charged for services provided by Con-
5 sular Affairs should generally cover the cost of the
6 services for which the fees are charged.

7 (b) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Due to the existence of multiple cross-sub-
10 sidies—

11 (A) the fee charged for a service provided
12 by Consular Affairs bears little, if any, relation-
13 ship to the costs of that service; and

14 (B) it is difficult to track which fees are
15 being used to cover which costs.

16 (2) Fees from visa services in excess of esti-
17 mated amounts are available to Consular Affairs to
18 fund other operations, giving Consular Affairs an in-
19 centive to underestimate visa demand and resulting
20 in inefficiencies and a lack of transparency.

21 (c) PASSPORT FEES.—Not later than the beginning
22 of the first fiscal year after the date of the enactment of
23 this Act, the passport fee structure, including authorities
24 used by Consular Affairs, shall be modified so that—

1 (1) all fees collected for the issuing of passports
2 are retained by the Department;

3 (2) except as permitted under subsection (j),
4 the fees retained by the Department under para-
5 graph (1) are only used to cover the cost of passport
6 operations and the consular protection of United
7 States citizens and their interests in foreign coun-
8 tries for which no fee is collected; and

9 (3) not later than 12 months after the end of
10 each fiscal year, all fees retained by the Department
11 under paragraph (1) during such fiscal year that
12 were not used to cover the costs described in para-
13 graph (2) (other than such amounts, which shall re-
14 main available until expended, that the Secretary de-
15 termines, and notifies the appropriate congressional
16 committees pursuant to section 34 of the State De-
17 partment Basic Authorities Act of 1956 (22 U.S.C.
18 2706), are required for costs of services described in
19 paragraph (2) that extend beyond that fiscal year)
20 are deposited into the General Fund of the Treas-
21 ury.

22 (d) VISA FEES.—Not later than the beginning of the
23 first fiscal year after the date of the enactment of this
24 Act, the visa fee structure, including authorities used by
25 Consular Affairs, shall be modified so that—

1 (1) all fees collected for nonimmigrant and im-
2 migrant visas operations are retained by the Depart-
3 ment, except for special surcharges authorized by
4 statute to be returned to the Treasury;

5 (2) except as permitted under subsection (j),
6 any fees retained by the Department under para-
7 graph (1) are only used to offset the cost of visa op-
8 erations; and

9 (3) not later than 12 months after the end of
10 each fiscal year, all fees retained by the Department
11 under paragraph (1) that were not used to offset the
12 costs described in paragraph (2) (other than such
13 amounts, which shall remain available until ex-
14 pended, that the Secretary determines, and notifies
15 to the appropriate congressional committees pursu-
16 ant to section 34 of the State Department Basic Au-
17 thorities Act of 1956 (22 U.S.C. 2706), are required
18 for costs of support services related to visa oper-
19 ations that extend beyond that fiscal year) are de-
20 posited into the General Fund of the Treasury.

21 (e) OTHER CONSULAR FEES.—Not later than the be-
22 ginning of the first fiscal year after the date of the enact-
23 ment of this Act, the fee structure, including authorities
24 used by Consular Affairs for services other than services
25 related to passports and visas, shall be modified so that—

1 (1) all fees collected for the provision of docu-
2 mentary and authentication services, judicial assist-
3 ance services, services related to vessels and seamen,
4 administrative services, and any other consular serv-
5 ice provided for which a fee is collected are retained
6 by the Department;

7 (2) except as permitted under subsection (j),
8 the fees described in paragraph (1) are only used to
9 cover the cost of providing the services described in
10 paragraph (1);

11 (3) the fees described in paragraph (1) are au-
12 thorized to be set at a level that is sufficient to cover
13 the cost of providing the services described in para-
14 graph (1), but may be set at a higher level, as ap-
15 propriate and documented through the rulemaking
16 process; and

17 (4) not later than 12 months after the end of
18 each fiscal year, all fees retained by the Department
19 under paragraph (1) during such fiscal year that
20 were not used to provide the services described in
21 paragraph (1) (other than such amounts, which shall
22 remain available until expended, that the Secretary
23 determines, and notifies the appropriate congres-
24 sional committees pursuant to section 34 of the
25 State Department Basic Authorities Act of 1956 (22

1 U.S.C. 2706), are required for costs of the services
2 described in paragraph (2) that extend beyond that
3 fiscal year), are deposited into the General Fund of
4 the Treasury.

5 (f) CONGRESSIONAL NOTIFICATION.—Not later than
6 November 1 of each year, the Assistant Secretary of State
7 for Consular Affairs shall submit a report to the appro-
8 priate congressional committees that identifies—

9 (1) the amounts expended and retained during
10 the previous fiscal year, in accordance with this sec-
11 tion, for each type of fee or service collected or pro-
12 vided by Consular Affairs; and

13 (2) the amounts deposited into the General
14 Fund of the Treasury under this section for each
15 type of fee or service for such fiscal year.

16 (g) AUDITS.—The fees collected pursuant to this sec-
17 tion are subject to audit by the Inspector General and by
18 the Comptroller General of the United States.

19 (h) IMPLEMENTATION PLAN.—Not later than 90
20 days after the date of the enactment of this Act, the As-
21 sistant Secretary of State for Consular Affairs shall sub-
22 mit a plan to the appropriate congressional committees for
23 implementing the requirements under this section.

24 (i) ADDITIONAL AUTHORITY.—Notwithstanding any
25 other provision of law, the Assistant Secretary of State

1 for Consular Affairs is authorized to implement and revise
2 the structure of the passport, visa, and other consular fees
3 as may be necessary to carry out the requirements under
4 this section.

5 (j) TRANSFER AUTHORITY.—

6 (1) SEPARATE ACCOUNT.—The Secretary shall
7 maintain the fees described in subsections (c)(1),
8 (d)(1), and (e)(1) in a separate consular fees ac-
9 count.

10 (2) REPROGRAMMING.—The Department shall
11 track funding within the consular fees account by
12 fee type to facilitate the reporting under subsection
13 (f). Such funds may be reprogrammed within and
14 between the different fees described in subsections
15 (c)(1), (d)(1), and (e)(1), subject to section 34 of
16 the State Department Basic Authorities Act of 1956
17 (22 U.S.C. 2706).

18 (3) OBLIGATION OF FUNDS.—The Secretary
19 may obligate any funds within the account in sup-
20 port of activities, including information technology
21 initiatives, that support work by Consular Affairs
22 across the range of operations described in sub-
23 sections (c)(1), (d)(1), and (e)(1).

24 (4) TRANSFERS AUTHORIZED.—Not earlier
25 than 15 days after giving written notice to the ap-

1 appropriate congressional committees, the Secretary
2 may transfer and merge funds from the consular
3 fees account to other Department appropriations for
4 the purpose of funding consular support activities
5 funded out of other Department appropriations.

6 (k) CERTIFICATION.—Not later than the beginning of
7 the first fiscal year after the date of the enactment of this
8 Act, the Secretary shall submit a written certification to
9 the appropriate congressional committees confirming that
10 the fee structure used by Consular Affairs meets the re-
11 quirements set forth in this section.

12 **SEC. 303. PROTECTIONS FOR FOREIGN EMPLOYEES OF DIP-**
13 **LOMATIC MISSIONS AND INTERNATIONAL OR-**
14 **GANIZATIONS.**

15 Section 203(a)(2) of the William Wilberforce Traf-
16 ficking Victims Protection Reauthorization Act of 2008 (8
17 U.S.C. 1375c(a)(2)) is amended—

18 (1) by striking “Notwithstanding” and insert-
19 ing the following:

20 “(A) IN GENERAL.—Notwithstanding”;
21 and

22 (2) by adding at the end of the following:

23 “(B) CREDIBLE EVIDENCE OF ABUSE OR
24 EXPLOITATION.—For purposes of subparagraph
25 (A), credible evidence that 1 or more employees

1 of a mission or international organization have
2 abused or exploited 1 or more nonimmigrants
3 holding an A-3 visa or a G-5 visa should be
4 deemed to exist if—

5 “(i) a final court judgment, including
6 a default judgment, has been issued
7 against a current or former employee of
8 such mission or organization, and the time
9 period for appeal of such judgment has ex-
10 pired;

11 “(ii) a nonimmigrant visa has been
12 issued pursuant to section 101(a)(15)(T)
13 of the Immigration and Nationality Act (8
14 U.S.C. 1101(a)(15)(T)) to the victim of
15 such abuse or exploitation; or

16 “(iii) the Secretary has requested that
17 a country waive diplomatic immunity for a
18 diplomat or a family member of a diplomat
19 to permit criminal prosecution of the dip-
20 lomat or family member for the abuse or
21 exploitation.

22 “(C) TRAFFICKING IN PERSONS RE-
23 PORT.—If credible evidence is deemed to exist
24 pursuant to subparagraph (B) for a case of
25 trafficking in persons involving the holder of an

1 A-3 visa or a G-5 visa, the Secretary shall in-
2 clude a concise summary of such case in the
3 next annual report submitted under section
4 110(b) of the Trafficking Victims Protection
5 Act of 2000 (22 U.S.C. 7107(b)).

6 “(D) PAYMENT OF JUDGMENT.—If a hold-
7 er of an A-3 visa or a G-5 visa has obtained
8 a final court judgment finding such holder was
9 a victim of abuse or exploitation by an employee
10 of a diplomatic mission or international organi-
11 zation, the Secretary should assist such victim
12 in obtaining payment on such judgment, includ-
13 ing by encouraging the country that sent the
14 employee to such mission or organization to
15 provide compensation directly to such victim.”.

16 **SEC. 304. BORDER CROSSING FEE FOR MINORS.**

17 Section 410(a)(1)(A) of title IV of the Department
18 of State and Related Agencies Appropriations Act, 1999
19 (division A of Public Law 105-277) is amended by strik-
20 ing “a fee of \$13” and inserting “a fee equal to one-half
21 of the fee that would otherwise apply for processing a ma-
22 chine readable combined border crossing identification
23 card and nonimmigrant visa”.

1 **SEC. 305. SIGNED PHOTOGRAPH REQUIREMENT FOR VISA**
2 **APPLICATIONS.**

3 Section 221(b) of the Immigration and Nationality
4 Act (8 U.S.C. 1201(b)) is amended by striking “his appli-
5 cation, and shall furnish copies of his photograph signed
6 by him” and inserting “his or her application, and shall
7 furnish copies of his or her photograph”.

8 **SEC. 306. ELECTRONIC TRANSMISSION OF DOMESTIC VIO-**
9 **LENCE INFORMATION TO VISA APPLICANTS.**

10 Section 833(a)(5)(A) of the Violence Against Women
11 and Department of Justice Reauthorization Act of 2005
12 (8 U.S.C. 1375a(a)(5)(A)) is amended by adding at the
13 end the following:

14 “(vi) Subject to such regulations as
15 the Secretary of State may prescribe, mail-
16 ings under this subparagraph may be
17 transmitted by electronic means.”.

18 **SEC. 307. AMERASIAN IMMIGRATION.**

19 (a) **REPEAL.**—Section 584 of the Foreign Oper-
20 ations, Export Financing, and Related Programs Appro-
21 priations Act, 1988 (8 U.S.C. 1101 note) is repealed effec-
22 tive September 30, 2017.

23 (b) **EFFECT ON PENDING VISA APPLICATIONS.**—

24 (1) **ADJUDICATION.**—An application for a visa
25 under the provision of law repealed by subsection (a)
26 that was properly submitted before October 1, 2017,

1 by an alien described in subsection (b)(1)(A) of such
2 provision of law or an accompanying spouse or child
3 may be adjudicated in accordance with the terms of
4 such provision of law.

5 (2) ADMISSION.—If an application described in
6 paragraph (1) is approved, the applicant may be ad-
7 mitted to the United States during the 1-year period
8 beginning on the date on which such application was
9 approved.

10 **SEC. 308. TECHNICAL AMENDMENT TO THE IMMIGRATION**
11 **AND NATIONALITY ACT.**

12 Section 212(a)(3)(G) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1182(a)(3)(G)) is amended by striking
14 “in violation of section 2442 of title 18, United States
15 Code” and inserting “(as described in section 2442(a) of
16 title 18, United States Code)”.

17 **TITLE IV—MISCELLANEOUS**
18 **PROVISIONS**

19 **SEC. 401. REPORTS ON EMBASSY CONSTRUCTION AND SE-**
20 **CURITY UPGRADE PROJECTS.**

21 (a) INITIAL REPORT.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary shall
23 submit a comprehensive report to the appropriate congres-
24 sional committees regarding all embassy construction
25 projects and major embassy security upgrade projects

1 completed during the 10-year period ending on the date
2 of the enactment of this Act, including, for each such
3 project—

4 (1) the initial cost estimate;

5 (2) the amount actually expended on the
6 project;

7 (3) any additional time required to complete the
8 project beyond the initial timeline; and

9 (4) any cost overruns incurred by the project.

10 (b) SEMI-ANNUAL REPORTS.—Not later than 180
11 days after the submission of the report required under
12 subsection (a), and semi-annually thereafter, the Secretary
13 shall submit a comprehensive report to the appropriate
14 congressional committees on the status of all ongoing and
15 recently completed embassy construction projects and
16 major embassy security upgrade projects, including, for
17 each project—

18 (1) the initial cost estimate;

19 (2) the amount expended on the project to date;

20 (3) the projected timeline for completing the
21 project; and

22 (4) any cost overruns incurred by the project.

1 **SEC. 402. UNITED STATES HUMAN RIGHTS DIALOGUE RE-**
2 **VIEW.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary, in con-
5 sultation with other appropriate departments and agen-
6 cies, shall—

7 (1) conduct a review of all human rights dia-
8 logues; and

9 (2) submit a report to the appropriate congres-
10 sional committees containing the findings of the re-
11 view conducted under paragraph (1).

12 (b) CONTENTS.—The report submitted under sub-
13 section (a)(2) shall include—

14 (1) a list of all human rights dialogues held
15 during the prior year;

16 (2) a list of all bureaus and Senate confirmed
17 officials of the Department of State that partici-
18 pated in each dialogue;

19 (3) a list of all the countries that have refused
20 to hold human rights dialogues with the United
21 States; and

22 (4) for each human rights dialogue held to the
23 prior year, an assessment of the role of the dialogue
24 in advancing United States foreign policy goals.

25 (c) DEFINED TERM.—In this section, the term
26 “human rights dialogue” means an agreed upon and reg-

1 ular bilateral meeting between the Department of State
2 and a foreign government for the primary purpose of pur-
3 suing a defined agenda on the subject of human rights.

4 **SEC. 403. SENSE OF CONGRESS ON FOREIGN CYBERSECU-**
5 **RITY THREATS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The Department of State International
9 Cyberspace Policy Strategy (referred to in this sec-
10 tion as the “Strategy”), which was released in
11 March 2016, states—

12 (A) “Cyber threats to United States na-
13 tional and economic security are increasing in
14 frequency, scale, sophistication, and severity”;
15 and

16 (B) “The United States works to counter
17 threats in cyberspace through a whole-of-gov-
18 ernment approach that brings to bear its full
19 range of instruments of national power and cor-
20 responding policy tools – diplomatic, informa-
21 tional, military, economic, intelligence, and law
22 enforcement – as appropriate and consistent
23 with applicable law”.

1 (2) The 2016 Worldwide Threat Assessment of
2 the U.S. Intelligence Community (“Threat Assess-
3 ment”), released on February 6, 2016—

4 (A) names Russia, China, Iran, and North
5 Korea as “leading threat actors” in cyberspace;

6 (B) states “China continues to have suc-
7 cess in cyber espionage against the US Govern-
8 ment, our allies, and US companies”; and

9 (C) states “North Korea probably remains
10 capable and willing to launch disruptive or de-
11 structive cyberattacks to support its political
12 objectives”.

13 (3) On April 1, 2015, the President issued Ex-
14 ecutive Order 13694, entitled “Blocking the Prop-
15 erty of Certain Persons Engaging in Significant Ma-
16 licious Cyber-Enabled Activities”.

17 (4) On February 18, 2016, the President
18 signed into law the 2016 North Korea Sanctions and
19 Policy Enhancement Act of 2016 (Public Law 114–
20 122), which codified into law the policy set forth in
21 Executive Order 13694.

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

1 (1) threats in cyberspace from state and
2 nonstate actors have emerged as a serious threat to
3 the national security of the United States;

4 (2) the United States Government should use
5 all diplomatic, economic, legal, and military tools to
6 counter cyber threats; and

7 (3) the United States Government should im-
8 pose economic sanctions under existing authorities
9 against state and nonstate actors that have engaged
10 in malicious cyber-enabled activities.

11 (c) SEMI-ANNUAL REPORTS ON CYBERSECURITY
12 AGREEMENT BETWEEN THE UNITED STATES AND
13 CHINA.—Not later than 90 days after the date of the en-
14 actment of this Act, and every 180 days thereafter, the
15 Secretary shall submit a report to the appropriate congres-
16 sional committees, with a classified annex if necessary,
17 that describes the status of the implementation of the cy-
18 bersecurity agreement between the United States and the
19 People’s Republic of China, which was concluded on Sep-
20 tember 25, 2015, including an assessment of the People’s
21 Republic of China’s compliance with its commitments
22 under the agreement.

23 (d) RULE OF CONSTRUCTION.—Nothing in this Act
24 or any amendment made by this Act may be construed
25 as authorizing the use of military force for any purpose,

1 including as a specific authorization for the use of military
2 force under the War Powers Resolution (Public Law 93–
3 148; 50 U.S.C. 1541 et seq.), or as congressional intent
4 to provide such authorization.

5 **SEC. 404. REPEAL OF OBSOLETE REPORTS.**

6 (a) ANNUAL REPORT ON THE ISRAELI-PALESTINIAN
7 PEACE, RECONCILIATION AND DEMOCRACY FUND.—Sec-
8 tion 10 of the Palestinian Anti-Terrorism Act of 2006
9 (Public Law 109–446; 22 U.S.C. 2378b note) is amend-
10 ed—

11 (1) by striking subsection (b); and

12 (2) by redesignating subsection (c) as sub-
13 section (b).

14 (b) ANNUAL REPORT ON ASSISTANCE PROVIDED FOR
15 INTERDICTION ACTIONS OF FOREIGN COUNTRIES.—Sec-
16 tion 1012 of the National Defense Authorization Act for
17 Fiscal Year 1995 (22 U.S.C. 2291–4) is amended—

18 (1) by striking subsection (c); and

19 (2) by redesignating subsection (d) as sub-
20 section (b).

21 (c) REPORTS RELATING TO SUDAN.—The Sudan
22 Peace Act (Public Law 107–245; 50 U.S.C. 1701 note)
23 is amended—

24 (1) by striking section 8; and

25 (2) in section 11, by striking subsection (b).

1 (d) ANNUAL REPORT ON OUTSTANDING EXPROPRIA-
2 TION CLAIMS.—Section 527 of the Foreign Relations Au-
3 thorization Act, Fiscal Years 1994 and 1995 (Public Law
4 103–236; 22 U.S.C. 2370a) is amended—

5 (1) by striking subsection (f); and

6 (2) by redesignating subsections (g), (h), and
7 (i) as subsections (f), (g), and (h), respectively.

8 **SEC. 405. SENSE OF THE SENATE REGARDING THE RE-**
9 **LEASE OF INTERNATIONALLY ADOPTED**
10 **CHILDREN FROM THE DEMOCRATIC REPUB-**
11 **LIC OF CONGO.**

12 (a) FINDINGS.—The Senate makes the following
13 findings:

14 (1) In September 2013, the Government of the
15 Democratic Republic of Congo suspended the
16 issuance of exit permits to children adopted by inter-
17 national parents.

18 (2) In February 2016, after continuous efforts
19 by the Department of State, the President, and Con-
20 gress, the Government of the Democratic Republic
21 of Congo began issuing exit permits to internation-
22 ally adopted children and committed to reviewing all
23 unresolved cases by the end of March 2016.

24 (3) As of March 31, 2016, more than 300 chil-
25 dren had been authorized to apply for exit permits,

1 but many adopted children remain stranded in the
2 Democratic Republic of Congo, including at least
3 two children adopted by Wisconsin families.

4 (b) SENSE OF THE SENATE.—The Senate—

5 (1) urges the Government of the Democratic
6 Republic of Congo to complete its review of all unre-
7 solved international adoption cases as soon as pos-
8 sible; and

9 (2) calls upon the United States Government to
10 continue to treat the release of internationally adopt-
11 ed children from the Democratic Republic of Congo
12 as a priority until all cases have been resolved.

13 **SEC. 406. COMMUNICATION WITH GOVERNMENTS OF COUN-**
14 **TRIES DESIGNATED AS TIER 2 WATCH LIST**
15 **COUNTRIES ON THE TRAFFICKING IN PER-**
16 **SONS REPORT.**

17 (a) IN GENERAL.—Not less frequently than annually,
18 the Secretary shall provide, to the foreign minister of each
19 country that has been designated as a “Tier 2 Watch
20 List” country pursuant to section 110(b) of the Traf-
21 ficking Victims Protection Act of 2000 (22 U.S.C.
22 7107(b))—

23 (1) a copy of the annual Trafficking in Persons
24 Report; and

1 (B) by inserting “management, licensing,
2 compliance, and policy activities in the defense
3 trade controls function, including” after “in-
4 curred for”;

5 (2) in paragraph (1), by striking “contract per-
6 sonnel to assist in”;

7 (3) in paragraph (2), by striking the “and” at
8 the end;

9 (4) in paragraph (3), by striking the period at
10 the end and inserting a semicolon; and

11 (5) by adding at the end the following:

12 “(4) the facilitation of defense trade policy de-
13 velopment and implementation, review of commodity
14 jurisdiction determinations, public outreach to indus-
15 try and foreign parties, and analysis of scientific and
16 technological developments relating to the exercise of
17 defense trade control authorities; and

18 “(5) contract personnel to assist in the activi-
19 ties described in paragraphs (1) through (4).”.

20 **SEC. 408. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**
21 **POENAS.**

22 Section 3486 of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)(A)—

1 (i) in clause (ii), by striking “or” at
2 the end; and

3 (ii) in clause (iii), by striking the
4 comma at the end and inserting a semi-
5 colon; and

6 (iii) by inserting after clause (iii) the
7 following:

8 “(iv) an offense under section 878, or
9 a threat against a person, foreign mission,
10 or organization authorized to receive pro-
11 tection by special agents of the Depart-
12 ment of State and the Foreign Service
13 under section 37 of the State Department
14 Basic Authorities Act of 1956 (22 U.S.C.
15 2709), if the Assistant Secretary for Diplo-
16 matic Security or the Director of the Dip-
17 lomatic Security Service determines that
18 the threat constituting the offense or
19 threat against the person or place pro-
20 tected is imminent, the Secretary of State;
21 or

22 “(v) an offense under chapter 75, the
23 Secretary of State,”;

24 (B) in paragraph (9), by striking “para-
25 graph (1)(A)(i)(II) or (1)(A)(iii)” and inserting

1 “clause (i)(II), (iii), (iv), or (v) of paragraph
2 (1)(A)”;

3 (C) in paragraph (10), by adding at the
4 end the following: “As soon as practicable fol-
5 lowing the issuance of a subpoena under para-
6 graph (1)(A)(iv), the Secretary of State shall
7 notify the Attorney General of its issuance.”;
8 and

9 (2) in subsection (e)(1)—

10 (A) by striking “unless the action or inves-
11 tigation arises” and inserting the following:
12 “unless the action or investigation—
13 “(A) arises”;

14 (B) by striking “or if authorized” and in-
15 serting the following:

16 “(B) directly relates to the purpose for which
17 the subpoena was authorized under paragraph (1);
18 or

19 “(C) is authorized”.

20 **SEC. 409. EXTENSION OF PERIOD FOR REIMBURSEMENT OF**
21 **SEIZED COMMERCIAL FISHERMEN.**

22 Section 7(e) of the Fishermen’s Protective Act of
23 1967 (22 U.S.C. 1977(e)) is amended by striking “2008”
24 and inserting “2018”.

1 **SEC. 410. SPECIAL AGENTS.**

2 (a) IN GENERAL.—Section 37(a)(1) of the State De-
3 partment Basic Authorities Act of 1956 (22 U.S.C.
4 2709(a)(1)) is amended to read as follows:

5 “(1) conduct investigations concerning—

6 “(A) illegal passport or visa issuance or
7 use;

8 “(B) identity theft or document fraud af-
9 fecting or relating to the programs, functions,
10 and authorities of the Department of State; or

11 “(C) Federal offenses committed within
12 the special maritime and territorial jurisdiction
13 of the United States (as defined in section 7(9)
14 of title 18, United States Code), except as that
15 jurisdiction relates to the premises of United
16 States military missions and related resi-
17 dences;”.

18 (b) CONSTRUCTION.—Nothing in the amendment
19 made by subsection (a) may be construed to limit the in-
20 vestigative authority of any Federal department or agency
21 other than the Department of State.

22 **SEC. 411. ENHANCED DEPARTMENT OF STATE AUTHORITY**
23 **FOR UNIFORMED GUARDS.**

24 The State Department Basic Authorities Act of 1956
25 (22 U.S.C. 2651a et seq.) is amended by inserting after
26 section 37 (22 U.S.C. 2709) the following:

1 **“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE**
2 **UNITED STATES BY UNIFORMED GUARDS.**

3 “(a) ENFORCEMENT AUTHORITIES FOR UNIFORMED
4 GUARDS.—The Secretary of State may authorize uni-
5 formed guards of the Department of State to protect
6 buildings and areas within the United States for which
7 the Department of State provides protective services, in-
8 cluding duty in areas outside the property to the extent
9 necessary to protect the property and persons in that area.

10 “(b) POWERS OF GUARDS.—While engaged in the
11 performance of official duties as a uniformed guard under
12 subsection (a), a guard may—

13 “(1) enforce Federal laws and regulations for
14 the protection of persons and property;

15 “(2) carry firearms; and

16 “(3) make arrests without warrant for any of-
17 fense against the United States committed in the
18 guard’s presence, or for any felony cognizable under
19 the laws of the United States, to the extent nec-
20 essary to protect the property and persons in that
21 area, if the guard has reasonable grounds to believe
22 that the person to be arrested has committed or is
23 committing such felony in connection with the build-
24 ings and areas, or persons, for which the Depart-
25 ment of State is providing protective services.

26 “(c) RULEMAKING.—

1 “(1) IN GENERAL.—The Secretary of State, in
2 consultation with the Secretary of Homeland Secu-
3 rity, may prescribe regulations necessary for the ad-
4 ministration of buildings and areas within the
5 United States for which the Department of State
6 provides protective services.

7 “(2) PENALTIES.—Subject to subsection (d),
8 the regulations prescribed under paragraph (1) may
9 include reasonable penalties for violations of the reg-
10 ulations.

11 “(3) POSTING.—The regulations prescribed
12 under paragraph (1) shall be posted and shall re-
13 main posted in a conspicuous place on each property
14 described in paragraph (1).

15 “(d) PENALTIES.—A person violating a regulation
16 prescribed under subsection (c) shall be fined under title
17 18, United States Code, imprisoned for not more than 6
18 months, or both.

19 “(e) ATTORNEY GENERAL APPROVAL.—The powers
20 granted to uniformed guards under this section shall be
21 exercised in accordance with guidelines approved by the
22 Attorney General.

23 “(f) RELATIONSHIP TO OTHER AUTHORITY.—Noth-
24 ing in this section may be construed to affect the authority
25 of the Secretary of Homeland Security, the Administrator

1 of General Services, or any Federal law enforcement agen-
2 cy.”.

Calendar No. 468

114TH CONGRESS
2^D SESSION
S. 2937

A BILL

To authorize appropriations for the Department of State for fiscal year 2017, and for other purposes.

MAY 17, 2016

Read twice and placed on the calendar