

S 1635

Department of State Authorities Act, Fiscal Year 2017

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: International Affairs

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Law: 114-323 (Enacted Dec 16, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1635>

Sponsor

Name: Sen. Corker, Bob [R-TN]

Party: Republican • **State:** TN • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Foreign Affairs Committee	House	Markup By	May 26, 2016
Foreign Relations Committee	Senate	Reported Original Measure	Jun 18, 2015

Subjects & Policy Tags

Policy Area:

International Affairs

Related Bills

Bill	Relationship	Last Action
114 HCONRES 181	Procedurally related	Dec 12, 2016: Message on Senate action sent to the House.
114 HR 3873	Related bill	Nov 2, 2015: Referred to the House Committee on Foreign Affairs.
114 HR 3836	Related bill	Oct 27, 2015: Referred to the House Committee on Foreign Affairs.
114 S 1300	Related bill	Oct 16, 2015: Became Public Law No: 114-70.
114 HR 2922	Related bill	Jul 29, 2015: Referred to the Subcommittee on Immigration and Border Security.
114 S 1527	Related bill	Jun 8, 2015: Read twice and referred to the Committee on Foreign Relations.
114 S 868	Related bill	Mar 26, 2015: Read twice and referred to the Committee on Foreign Relations.

Department of State Authorities Act, Fiscal Year 2017

TITLE I--EMBASSY SECURITY AND PERSONNEL PROTECTION

Subtitle A--Review and Planning Requirements

(Sec. 101) This bill amends the Omnibus Diplomatic Security and Antiterrorism Act of 1986 to direct the Department of State to: (1) submit a list to Congress of diplomatic and consular posts designated as high risk, high threat posts; (2) determine if a post should be so designated before its opening or reopening; (3) regularly review existing diplomatic and consular posts to determine if any such post should be designated as a high risk, high threat post; and (4) provide to Congress monthly briefings on any plans to open or reopen a high risk, high threat post and emergency notification of a decision to open or reopen such a post in less than 30 days.

(Sec. 102) The Secure Embassy Construction and Counterterrorism Act of 1999 is amended to require: (1) U.S. diplomatic mission emergency action plans to include the threat from complex attacks, and (2) rapid response procedures to include options for deployment of additional military resources, including deployment at high risk, high threat posts.

(Sec. 103) The Diplomatic Security Act is amended to require an accountability review board to recommend investigatory or disciplinary action if an individual's misconduct or unsatisfactory performance significantly contributed to serious injury, loss of life, significant property destruction, or a serious security breach at or related to a U.S. government mission abroad.

Subtitle B--Physical Security and Personnel Requirements

(Sec. 111) It is the sense of Congress that the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities at high risk, high threat posts.

The bill prohibits a U.S. diplomatic facility construction project from including office space or other accommodations for a federal employee if the employee's department or agency has not provided the State Department with the full amount of required funding.

(Sec. 112) The Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 is amended to authorize the State Department to award local guard contracts for a Foreign Service building on the basis of best value (as determined by a cost-technical trade off analysis).

(Sec. 113) The Foreign Service Buildings Act, 1926 is amended to authorize the State Department to transfer certain FY2018 appropriations if necessary to implement the recommendations of the Benghazi Accountability Review Board or to prevent or respond to security situations and requirements.

(Sec. 114) The State Department Basic Authorities Act of 1956 is amended to authorize the State Department to provide physical security enhancements at overseas educational facilities established for the children of U.S. government employees.

(Sec. 115) A determination to use procedures other than competitive procedures to meet emergency security requirements, including physical security upgrades, protective equipment, and other immediate threat mitigation projects, shall not be subject to certain challenges.

(Sec. 116) It is the sense of Congress that: (1) the Overseas Security Policy Board's security standards for facilities should apply to all facilities, and (2) such facilities should comply with waiver or exception requirements if in the U.S. national interest.

(Sec. 117) The State Department shall station key personnel for sustained periods of time at high risk, high threat posts in order to: (1) establish institutional knowledge and situational awareness that would allow for a fuller familiarization with the local political and security environment, and (2) ensure that necessary security procedures are implemented.

(Sec. 118) The State Department shall submit to Congress a comprehensive report regarding ongoing embassy construction projects and major embassy security upgrade projects.

(Sec. 119) The State Department may improve or construct facilities overseas for other federal agencies on an advance-of-funds or reimbursable basis if such advances or reimbursements are credited to the Embassy Security, Construction, and Maintenance account and remain available until expended.

Subtitle C--Security Training

(Sec. 121) The bill requires that personnel and senior and mid-level officials serving in high risk, high threat posts receive specified security training.

(Sec. 122) It is the sense of Congress that diplomatic security personnel assigned permanently to, or who are in long-term temporary duty status at, a high risk, high threat post should receive appropriate language training.

Subtitle D--Expansion of the Marine Corps Security Guard Detachment Program

(Sec. 131) The State Department shall conduct an annual review of the Marine Corps security guard program to assess: (1) whether it is adequate to meet global diplomatic security requirements, (2) appropriate deployment, and (3) mission objectives and procedural rules of engagement.

TITLE II--OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS

(Sec. 201) The bill grants competitive status for appointment to a position in the competitive service to any qualified employee of the Special Inspector General for Iraq Reconstruction who was not terminated for cause and who completes at least 12 months of service at any time before October 5, 2013.

(Sec. 202) The State Department shall certify to Congress annually for five years the independence and integrity of information technology systems of the Office of Inspector General (IG) of the Department and Broadcasting Board of Governors.

(Sec. 203) Each State Department entity under the Foreign Service Act of 1980 shall report to the IG within five business days any allegations of: (1) program waste, fraud, or abuse; (2) criminal or serious misconduct on the part of an employee at the FS-1, GS-15, or GM-15 level or higher; (3) criminal misconduct on the part of any employee; and (4) serious, noncriminal misconduct on the part of any individual who is authorized to carry a weapon, make arrests, or conduct searches.

(Sec. 204) The IG shall report to Congress regarding the requirement to audit the operations of each Foreign Service post and each bureau or other State Department office.

(Sec. 205) It is the sense of Congress that the State Department has not implemented all of the recommendations made by the Government Accountability Office (GAO) and the IG related to embassy security and that some recommendations may yield potentially significant cost savings.

(Sec. 206) The Inspector General of the United States Agency for International Development (USAID) shall limit the payment of special differentials to USAID Foreign Service criminal investigators to specified levels, retroactive to January 1, 2013.

TITLE III--INTERNATIONAL ORGANIZATIONS

(Sec. 301) The State Department shall submit to Congress a U.S. strategy and implementation plan for combating sexual exploitation and abuse in U.N. peacekeeping operations.

(Sec. 302) The bill expresses U.S. policy regarding the formula for determining the troop reimbursement rate paid to troop- and police-contributing countries for U.N. peacekeeping operations.

(Sec. 303) It is U.S. policy that security assistance should not be provided to any unit of a foreign security force that has engaged in a gross violation of human rights or in acts of sexual exploitation or abuse, including while serving in a U.N. peacekeeping operation.

(Sec. 304) The State Department shall urge the United Nations (U.N.) to share the raw data used to calculate member state peacekeeping assessment rates and to make such formula available.

(Sec. 305) The President shall seek to obtain a U.N. commitment to make available to the United States any peacekeeping credits from a closed peacekeeping operation.

(Sec. 306) The United Nations Participation Act of 1945 is amended to revise the requirements of the President's report on U.S. contributions to U.N. peacekeeping operations.

(Sec. 307) The bill sets forth provisions with respect to whistle-blower protections for U.N. personnel.

(Sec. 308) The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 is amended to direct the State Department to report to Congress annually for three years regarding the employment of U.S. citizens by certain international organizations and the U.N.

(Sec. 309) It is U.S. policy to strongly consider a U.N. member state's voting practices before entering into any agreements with such state.

(Sec. 310) The State Department shall urge each future U.N. Secretary General candidate to circulate to the General Assembly member states a description of his or her U.N. priorities and objectives. It is U.S. policy to withhold support for any such candidate who has not produced a clear vision for leading the U.N.

(Sec. 311) It is the sense of Congress that the United States should work to ensure that: (1) the U.N. Human Rights Council (UNHRC) takes steps to remove permanent items on its agenda that single out a specific country or a specific territory or territories; and (2) the UNHRC does not include a member state that is subject to Security Council sanctions, that is under investigation for human rights abuses, that has repeatedly provided support for international terrorism, or that has been designated as a country of particular concern for religious freedom.

(Sec. 312) The Office of Management and Budget shall annually report to Congress on all assessed and voluntary U.S.

government contributions in excess of \$100,000 to the U.N. and its affiliated agencies during the previous fiscal year.

(Sec. 313) GAO shall report to Congress on the costs, strengths, and limitations of U.S. and U.N. peacekeeping operations.

TITLE IV--PERSONNEL AND ORGANIZATIONAL ISSUES

(Sec. 401) The State Department shall implement for positions in the local compensation plan at each diplomatic post a prevailing wage rates goal that: (1) is based on the specific recruiting and retention needs of each such post and on local labor market conditions, and (2) is not less than the 50th percentile of the prevailing local market wage. Such goal shall not apply if compliance would be inconsistent with U.S. or local law or the public interest.

(Sec. 402) It is the sense of Congress that the State Department should expand the Overseas Development Program.

(Sec. 403) The Foreign Service Act of 1980 is amended to require, with a specified exception, that the promotion of any individual joining the Foreign Service on or after January 1, 2017, to the Senior Foreign Service shall be contingent upon completing at least one tour in a global affairs bureau or position.

(Sec. 404) It is the sense of Congress that the Foreign Service should permit mid-career entry for qualified individuals.

The State Department shall establish a three-year pilot program for lateral entry into the Foreign Service.

(Sec. 405) The bill: (1) makes permanent the State Department's authority to waive certain restrictions with respect to annuities and pay in order to reemploy an annuitant in a position for which recruiting or retaining a qualified employee is exceptionally difficult or when a temporary emergency hiring need exists; and (2) eliminates provisions limiting such authority to postings in Iraq, Pakistan, and Afghanistan.

The State Department shall report to Congress annually through 2022 describing the implementation status of all rightsizing recommendations made by the Office of Management, Policy, Rightsizing, and Innovation related to overseas staffing levels.

(Sec. 406) The State Department shall: (1) establish foreign economic policy priorities for each regional bureau and policies for integrating such priorities throughout the State Department; (2) task an appropriate Deputy Assistant Secretary within each regional bureau with the responsibility for economic matters and interests; and (3) establish a curriculum at the George P. Shultz National Foreign Affairs Training Center to develop the practical foreign economic policy expertise and skill sets of Foreign Service officers, including by making available distance-learning courses in commercial, economic, and business affairs.

(Sec. 407) The bill expands training support services.

(Sec. 408) State Department and Foreign Service special agents are authorized to investigate: (1) illegal passport or visa issuance or use; (2) State Department-related identity theft or document fraud; and (3) federal offenses committed within the special maritime and territorial jurisdiction of the United States, except as such jurisdiction relates to the premises of U.S. military missions and related residences.

(Sec. 409) A limited Foreign Service appointment may be extended: (1) for an individual serving in the uniformed services whose appointment expires in the course of such service; or (2) in exceptional circumstances for a limited noncareer appointment not to exceed one year or a limited appointment of a career candidate for the minimum time needed to

resolve a grievance, claim, or investigation.

Noncareer employees who have served for five consecutive years under a limited appointment may be reappointed to a subsequent noncareer limited appointment if there is at least a one-year break in service before such new appointment. (This requirement may be may waived in cases of special need.)

(Sec. 410) The State Department shall report to Congress every four years regarding efforts to promote equal opportunity for all American employees in direct hire and personal service contractors status, particularly Foreign Service employees, including traditionally underrepresented minority groups.

(Sec. 411) The State Department shall submit a report to Congress that examines the feasibility and cost effectiveness of using private sector market data to determine cost-of-living adjustments for Foreign Service officers and federal government civilians stationed abroad.

(Sec. 412) The bill provides that members of the Foreign Service other than chiefs of mission and ambassadors at large are eligible for retention, recruitment, and relocation bonuses.

(Sec. 413) The State Department is urged to provide attention and oversight to the employment, retention, and promotion of traditionally underrepresented minority groups among mid- and senior-level career professionals through: (1) the International Career Advancement Program, (2) Seminar XXI at the Massachusetts Institute of Technology's Center for International Studies, and (3) other international leadership programs.

(Sec. 414) The Department of State shall establish a right and process for employees to appeal any assignment restriction or preclusion.

(Sec. 415) The State Department may suspend a Foreign Service member without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which he or she may be imprisoned. Such person is entitled to: (1) written notice stating the specific reasons for the proposed suspension; (2) reasonable time to respond orally and in writing; (3) representation; (4) a final written decision, including the specific reasons for such decision; and (5) file a grievance.

(Sec. 416) It is the sense of Congress that regional bureau policy priorities and Foreign Service training should include recognition of the importance of the participation of women in preventing and resolving conflicts.

(Sec. 417) The State Department shall report to Congress on workforce issues and challenges to career opportunities pertaining to couples in the Foreign Service.

(Sec. 418) The State Department shall report to Congress on State Department special envoys, representatives, advisors, and coordinators.

(Sec. 419) The State Department's Special Envoy to Monitor and Combat Anti-Semitism shall brief Congress on U.S. support to, and opportunities to coordinate with, American and European Jewish and other civil society organizations focusing on youth to combat anti-Semitism and other forms of religious, ethnic, or racial intolerance in Europe.

TITLE V--CONSULAR AUTHORITIES

(Sec. 501) The bill amends the Diplomatic Relations Act to authorize the State Department to specify privileges and immunities for a consular post, the members of a consular post, and their families that result in more favorable or less

favorable treatment than is provided in the Vienna Convention on Consular Relations (1963).

(Sec. 502) It is the sense of Congress that all components of U.S. passports, including all passport security features, should be printed, manufactured, and assembled exclusively within the United States by U.S. companies, personnel, and contractors with appropriate security clearances. The State Department shall provide Congress with a list of all components of the U.S. passport made outside the United States, such components' costs, and the costs to produce and procure such items in the United States.

TITLE VI--WESTERN HEMISPHERE DRUG POLICY COMMISSION

(Sec. 601) The bill establishes the Western Hemisphere Drug Policy Commission, which shall: (1) conduct a comprehensive review of U.S. foreign policy in the Western Hemisphere to reduce the illicit drug supply, drug abuse, and the damage associated with illicit drug markets and trafficking; and (2) identify policy and program options to improve existing international and domestic counter narcotics policy.

TITLE VII--MISCELLANEOUS PROVISIONS

(Sec. 701) The State Department may establish exchange programs under which State Department officers or employees and members of the Foreign Service may be assigned for not more than one year to a position with any foreign government or international entity that permits an employee to be assigned to a State Department position.

(Sec. 702) The Foreign Affairs Reform and Restructuring Act of 1998 is amended to extend the operating authority for the United States Advisory Commission on Public Diplomacy through October 1, 2020.

(Sec. 703) The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended to permit Radio Free Asia to broadcast in the whole of Asia. (Currently, broadcasting is limited to China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.)

The bill prohibits any change to the federal status of the Cuba Service or the Television Marti Service unless such service's establishing provision is repealed and such service is dissolved by an Act of Congress.

It is the sense of Congress that the Broadcasting Board of Governors should start broadcasting in the Sindhi language.

(Sec. 704) The bill allows payment of a reward to an individual who provides information leading to the arrest or conviction of any foreign national accused of aiding or abetting the commission of war crimes, crimes against humanity, or genocide or of preventing efforts to apprehend a foreign national accused of such activities.

It is the sense of Congress that the refusal by other countries to extradite or otherwise render to the United States fugitives who have been indicted or convicted within the United States for serious crimes, including murder, hijacking, and acts of domestic terrorism, is an impediment to justice, undermines international security, and deserves high level diplomatic efforts toward resolution.

The President shall brief Congress regarding the number of fugitives for whom the United States is seeking extradition or rendition.

(Sec. 705) The Fishermen's Protective Act of 1967 is amended to extend to October 1, 2018, the State Department's authority to reimburse fishermen for the fines and direct costs incurred from the illegal foreign seizure and detention of a U.S.-flagged fishing vessel.

(Sec. 706) Beginning in FY 2017, the State Department shall: (1) increase by 10 the number of fellows selected for the Charles B. Rangel International Affairs Program, (2) increase by 10 the number of fellows selected for the Thomas R. Pickering Foreign Affairs Fellowship Program, and (3) increase by 5 the number of fellows selected for the Donald M. Payne International Development Fellowship Program.

(Sec. 707) GAO shall report to Congress on any critical telecommunications equipment, technologies, or services obtained or used by the State Department or its contractors that are linked to foreign cyber threat actors.

(Sec. 708) The State Department shall submit to Congress an implementation plan required to: (1) establish a hub for analytics, data science, strategy, and knowledge management; and (2) migrate suitable information technology to a cloud computing service or a cloud-based solution.

(Sec. 709) The President shall report to Congress regarding: (1) foreign governments believed to have facilitated ransom payments and foreign terrorist organizations that have received such payments; and (2) U.S. efforts to counter such payments, including coordination among U.S. allies to not pay ransoms.

(Sec. 710) The President shall report to Congress on U.S. strategy to combat social media use by terrorists.

(Sec. 711) The State Department shall report to Congress detailing State Department information technology acquisition practices.

(Sec. 713) It is the sense of Congress that the State Department should recruit more employees who have a personal background in, and thorough understating of, the Middle East and the Muslim world.

The State Department shall make efforts to recruit and retain individuals who have lived, worked, or studied in predominantly Muslim countries or communities.

(Sec. 714) It is the sense of Congress that the State Department should ensure that its overseas employees' health coverage provides access for dependents with autism spectrum disorder.

(Sec. 715) The bill repeals, and makes revisions to, specified reporting requirements.

(Sec. 716) No additional funds are authorized to be appropriated to carry out this bill.

Actions Timeline

- **Dec 16, 2016:** Signed by President.
- **Dec 16, 2016:** Became Public Law No: 114-323.
- **Dec 14, 2016:** Presented to President.
- **Dec 12, 2016:** Message on Senate action sent to the House.
- **Dec 10, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S7167)
- **Dec 10, 2016:** Resolving differences -- Senate actions: Senate agreed to the House amendment to S. 1635 by Unanimous Consent.
- **Dec 10, 2016:** Senate agreed to the House amendment to S. 1635 by Unanimous Consent.
- **Dec 10, 2016:** Pursuant to the provisions of H. Con. Res. 181, enrollment corrections on S. 1635 have been made.
- **Dec 6, 2016:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Dec 5, 2016:** Mr. Royce moved to suspend the rules and pass the bill, as amended.
- **Dec 5, 2016:** Considered under suspension of the rules. (consideration: CR H7160-7175)
- **Dec 5, 2016:** DEBATE - The House proceeded with forty minutes of debate on S. 1635.
- **Dec 5, 2016:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 5, 2016:** Considered as unfinished business. (consideration: CR H7177-7178)
- **Dec 5, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 374 - 16 (Roll no. 603).(text: CR H7160-7172)
- **Dec 5, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 374 - 16 (Roll no. 603). (text: CR H7160-7172)
- **Dec 5, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **May 26, 2016:** Committee Consideration and Mark-up Session Held.
- **May 26, 2016:** Ordered to be Reported in the Nature of a Substitute (Amended) by Unanimous Consent.
- **May 19, 2016:** Referred to the House Committee on Foreign Affairs.
- **Apr 29, 2016:** Received in the House.
- **Apr 29, 2016:** Message on Senate action sent to the House.
- **Apr 29, 2016:** Held at the desk.
- **Apr 28, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S2577-2595)
- **Apr 28, 2016:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(text: CR S2578-2595)
- **Apr 28, 2016:** Passed Senate with amendments by Unanimous Consent. (text: CR S2578-2595)
- **Jun 18, 2015:** Introduced in Senate
- **Jun 18, 2015:** Committee on Foreign Relations. Original measure reported to Senate by Senator Corker. Without written report.
- **Jun 18, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 123.