

**H.R. 2848, DEPARTMENT OF STATE OPERATIONS AND
EMBASSY SECURITY AUTHORIZATION ACT FOR FY 2014
SECTION-BY-SECTION SUMMARY**

Section 1. Short title. This section provides that the short title of this Act is the 'Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014.'

Section 2. Table of contents. This section provides a table of contents for this Act.

Section 3. Appropriate congressional committees defined. This section specifies that 'appropriate congressional committees' means the House Foreign Affairs Committee and the Senate Foreign Relations Committee, unless otherwise provided.

TITLE I--AUTHORIZATION OF APPROPRIATIONS

Section 101. Administration of foreign affairs. This section authorizes certain appropriations under the heading 'Administration of Foreign Affairs' for fiscal year 2014 ("FY14"). In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service, including: personnel costs; worldwide security protection; information technology systems; the construction, maintenance, and security of U.S. embassies and overseas facilities; educational and cultural exchange programs; conflict stabilization operations; representational allowances; protection of foreign missions and officials; emergencies in the diplomatic and consular service; repatriation loans; payment to the American Institute in Taiwan; and for the Office of the Inspector General.

Subsection (1) authorizes funding for Diplomatic and Consular Programs ("D&CP", the main State salaries and operations account). This includes providing full appropriations for Worldwide Security Program that supports training for security personnel, diplomats, and staff; improves security at facilities overseas; and, improved information security measures. Also included is authorization for the Bureau of Democracy, Human Rights, and Labor.

Subsection (2) authorizes the Capital Investment Fund which supports information technology upgrades that protect against system degradation and failures.

Subsection (3) authorizes Educational and Cultural Exchange Programs which promotes U.S. interests abroad and provides foreign participants with unique American experiences.

Subsection (4) authorizes funding for Conflict Stabilization Operations to respond to rapidly changing environments that do not have significant bilateral foreign assistance appropriations.

Subsection (5) authorizes funding for Representation Allowances.

Subsection (6) authorizes funding for the protection of foreign missions and officials, providing security for diplomatic delegations and officials within New York City and elsewhere in the United States.

Subsection (7) authorizes funding for emergencies in the diplomatic and consular service. Funding supports the evacuation of personnel and their families overseas.

Subsection (8) authorizes funding for the repatriation loans program which provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States. Cases typically include Americans stranded abroad because of theft, illness, or in need of serious medical attention.

Subsection (9) authorizes funding for the American Institute in Taiwan, and permits the Department to transfer sufficient funding to compensate for the loss of visa fees.

Subsection (10) fully funds the Office of the Inspector General.

Subsection (11) authorizes funding for the International Chancery Center to be established on the grounds of the Walter Reed Medical Center. Funding will support facility remodeling, repairs, and site security.

Subsection (12) authorizes funding for embassy security, construction, and maintenance, including capital cost sharing (see Title IV) – funds used for the planning, design, and construction of new compounds (including the new consulate compound in Erbil, Iraq) in countries where current facilities do not meet security standards. This section would authorize appropriations for leasing embassy residence work space; maintenance of existing facilities; and facility security upgrades, such as blast resistant doors/windows and retrofitting for protection against chemical-biological attacks.

Section 102. Contributions to International Organizations. Funding is authorized for U.S. assessed contributions to international organizations of which the United States is a member.

Section 103. Contributions for International Peacekeeping Activities. This section authorizes appropriations for international peacekeeping operations, including activities in Mali, and for advancing our national security interests around the globe through assessed contributions.

Section 104. International Commissions. This section authorizes funding for several International Commissions including: 1) International Boundary and Water Commission, United States and Mexico; 2) International Boundary Commission, United States and Canada; 3) International Joint Commission; 4) International Fisheries Commissions; and, 5) Border Environment Cooperation Commission. Funding enables the U.S. to meet its obligations as a participant in these international commissions.

Section 105. National Endowment for Democracy. Full funding is authorized for the National Endowment for Democracy (NED). The NED helps develop and fund key initiatives of non-governmental organizations that foster independent media, human rights, and other essential democratic institutions, values, and processes.

Section 106. Prohibition on use of funds relating to Federal Acquisition Regulation. This section prohibits funding authorized in this Act to be awarded to any offeror or its principals that has been convicted or had a civil judgment rendered against it in the previous three years for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property. This prohibition extends to include those presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of these offenses enumerated above as well as those that have been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which liability remains unsatisfied.

Section 107. Prohibition on use of funds relating to security and training facility. This section prohibits the use of funds authorized in this Act for the proposed Foreign Affairs Security Training Center until there has been a completed, independent (non-State Department) feasibility study presented to the appropriate Congressional committees. This feasibility study must include a cost comparison between building a new facility and using the existing Federal Law Enforcement Training Facility.

TITLE II--DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A--Basic Authorities and Activities

Section 201. Foreign Service Act of 1980. This section requires that Foreign Service positions that have been vacant for more than one “bidding cycle” be filled using a competitive process open to members of the Civil Service. The positions would continue to be designated as Foreign Service positions and be filled only on a temporary basis. The Government Accountability Office (GAO-12-721) found that close to 28 percent of all overseas posts are either unfilled or filled by Foreign Service Officers who are at least one grade lower than the position they are filling.

Section 202. Center for Strategic Counterterrorism Communications of the Department of State. This section provides express Congressional authorization for the Center for Strategic Counterterrorism Communications (hereinafter “CSCC”). This interagency initiative and its operations were institutionalized within the Executive branch by Executive Order 13584. The CSCC works to coordinate public communications activities directed at audiences abroad and

targeted against violent extremists and terrorist organizations, and is advised by a Steering Committee of senior representatives from relevant U.S. agencies.

Section 204. Anti-piracy information sharing. This section allows the United States to accede to membership in the Information Sharing Centre and thereby improve the ability of the United States to share and receive information related to combating piracy and armed robbery against ships in Asia. Accession to the ReCAAP would also allow the United States to be represented on the Governing Council of the Centre and to participate in various capacity building events hosted by the Centre. Formal membership in ReCAAP and the Centre aligns with the U.S. government's goal of strengthening regional organizations, signals our commitment to long-term cooperation in this organization, and strengthens our efforts to counter piracy and robbery at sea.

Subtitle B--Consular Services and Related Matters

Section 211. Extension of authority to assess passport surcharge. The Passport Services Enhancement Act of 2005 (P.L. 109-167) amended the Passport Act to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) (IRTPA). This section would temporarily extend that authority through 2015.

Section 212. Authority to restrict passports. This section would provide the Department of State with the authority to limit to one year the validity of a passport issued to an identified sex-offender and to revoke the passport or passport card of any individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

Subtitle C—Reporting Requirements

Section 221. Reporting reform. Over past decades, numerous statutes have created specific State Department reporting requirements without a sunset date, leading to the accretion of costly reporting requirements that, over time, have become duplicative (of other required reporting or readily available information sources), irrelevant (due to changed circumstances), and unused by Congress. This bill proposes to repeal nine reports and revive one that previously lapsed.

TITLE III--ORGANIZATION AND PERSONNEL AUTHORITIES

Section 301. Suspension of Foreign Service members without pay. This section grants the Secretary the authority to suspend without pay a Foreign Service Officer credibly accused of a crime. This would prevent the Department from being forced to pay an employee who, for example, has been indicted and is being incarcerated pending trial. At present, no administrative action can be taken before such an employee has been convicted.

Section 302. Repeal of recertification requirement for Senior Foreign Service. This section would repeal section 305(d) of the Foreign Service Act, which had required the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) equivalent to the recertification process for the Senior Executive Service (SES). The Homeland Security Act of 2002 repealed recertification requirements for SES employees based on the assessment that those requirements did not serve a useful purpose (while imposing additional bureaucratic costs).

Section 303. Limited appointments in the Foreign Service. This section amends section 309 of the Foreign Service Act of 1980 to provide new authority to extend 'limited appointments' in the Foreign Service. Section 309 currently provides that limited (non-career) appointments may not exceed 5 years in duration and may not be extended or renewed except under limited exceptions.

Section 304. Limitation of compensatory time off for travel. This section adds a new subsection (c) to 5 U.S.C. 5550b limiting the accrual of compensatory time off for travel status away from the employee's official duty station to a maximum of 104 hours (13 days). This 104-hour limitation is equivalent to standard yearly sick leave in the civil service; currently employees are able to accrue weeks or months of paid time off in addition to sick and annual leave.

Section 305. Department of State organization. This section grants the Secretary discretion, after consultation with the Committee, to transfer authorities and duties statutorily assigned to the Coordinators for Counterterrorism, International Energy Affairs, and Reconstruction and Stabilization to the new bureaus covering those subjects that were established late last year. The intent is to help eliminate duplication and increase structural efficiency.

The Committee reaffirms its support for a provision in the Department of Energy Organization Act (42 U.S.C. §7101 et seq.) which makes clear that the Secretary of State exercises primary authority for the conduct of foreign policy related to energy and nuclear nonproliferation, and recognizes the work of the State Department to promote U.S. foreign policy and national security interests related to energy security.

Section 306. Overseas comparability pay limitation. This section limits the amount of locality pay that Foreign Service Officers are able to receive while stationed overseas, capping pay at the two-thirds level they currently receive.

TITLE IV--EMBASSY SECURITY AND PERSONNEL PROTECTION

Title IV incorporates provisions from the Embassy Security and Enhancement Act of 2013 (H.R. 2723) introduced by Ranking Member Eliot A. Engel.

Subtitle A—Review and Planning Requirements

Section 411. Designation of High Risk, High Threat posts and working groups. Requires the State Department to designate a list of high risk, high threat posts. It also mandates the formation of Department-wide working groups to ensure new high risk, high threat posts have the necessary security measures and funding. (Accountability Review Board “ARB” Recommendation 6)

Section 412. Contingency plans for High Risk, High Threat posts. State and Defense Departments are directed to jointly develop enhanced contingency plans for emergency situations, including the rapid deployment of military resources. (ARB 1)

Section 413. Strategic review of Bureau of Diplomatic Security. The Secretary of State shall complete a strategic review of the Bureau of Diplomatic Security to ensure that the mission and activities of the Bureau are fulfilling current and projected needs. (Government Accountability Office Report 10-156)

Section 414. Revision of provisions relating to personnel recommendations of Accountability Review Board. In line with the Accountability Review Board recommendations, the Secretary of State shall complete a strategic review of the Bureau of Diplomatic Security of the Department of State to ensure that the mission and activities of the Bureau are fulfilling the current and projected needs of the Department of State. The specific areas to be addressed in this review are contained in the legislative language.

Subtitle B—Physical Security and Personnel Requirements

Section 421. Capital Security Cost Sharing Program. The Capital Security Cost Sharing Program is an interagency fund contributed to by government agencies that rely on the Department of State facilities for functions abroad. Funds are used to build more secure facilities, especially in high risk and high threat areas. The Department’s contribution to the fund is \$1.383 billion and is accounted for as part of the previously authorized \$2.65 billion in Embassy Security, Construction, and Maintenance (see Sec. 101, subsection 12). Includes a 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. (ARB 10)

Section 422. Local guard contracts abroad under diplomatic security program. Authorizes the State Department to award contracts on the basis of “best value” rather than lowest price, technically acceptable in High Risk, High Threat areas when deemed necessary. Thus, the State Department can consider factors beyond price in making the award, such as technical approach and past performance, when the perceived benefit merits the additional cost. This flexibility was specifically requested by the Secretary in testimony to the House Foreign Affairs Committee. It is also responsive to the criticism that local guards in Benghazi were ineffective in response to the attack.

Section 423. Transfer authority. After notifying Congress, the State Department is authorized to transfer administrative funds to improve physical embassy security.

Section 424. Physical security of certain soft targets. Improves physical security at educational facilities for children of U.S. citizens stationed outside the U.S. who are engaged in carrying out government activities.

Section 425. Reemployment of annuitants. Allows the Secretary to reemploy Foreign Service annuitants in emergency situations or when there is difficulty recruiting or retraining qualified personnel; competitive hiring is mandated before reemployment can be considered.

Section 426. Sense of Congress on minimum security standards for temporary United States diplomatic and consular posts. Sense of Congress that minimum security standards for temporary facilities be applied to all facilities regardless of their duration of their occupancy. (ARB 5)

Section 427. Assignment of personnel at High Risk, High Threat posts. The State Department shall make every effort to reduce the turnover of key personnel, including security providers, at high risk-high threat posts. The intent is to ensure continuity and situational awareness at dangerous posts. The Department is required to brief Congress quarterly on efforts made to ensure continuity. (ARB 13)

Section 428. Bureau of Diplomatic Security mobile biometric enrollment program. Not later than 90 days after the date of enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding implementation of the mobile biological enrollment program of the Bureau of Diplomatic Security. Mobile biometric devices are handheld technologies capable of obtaining various biometric modalities (for example, fingerprint, face, and iris) in order to identify or enroll a person of interest in a database. Some mobile devices also are capable of obtaining latent fingerprints from crime scenes and of utilizing various card-reading technologies. These devices can transmit biometric data to databases via personal area networks (such as Bluetooth), local area networks (such as Wi-Fi), wide area networks (such as cellular networks), and mobile satellite communication systems. The topics to be covered in the briefing are detailed in the legislative language.

Subtitle C—Security Training

Section 431. Security training for personnel assigned to High Risk, High Threat posts. Mandates that personnel serving in high risk, high threat posts receive security training, such as surveillance detection. The section also requires that senior and mid-level officials serving in high threat posts take security management training courses. Additionally, diplomatic security personnel should develop the necessary language skills before serving at high risk, high threat posts. (ARB 15, 17)

Section 432. Report to Congress. Requires a report to Congress on implementation of the title not later than 18 months after the date of enactment.

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

Section 441. Marine Corps Security Guard Program. The Department is required to conduct an annual review of the deployment and utilization of Marine Security Guard (MSG) detachments. The Secretary of State, in consultation with the Secretary of Defense, is also required to submit an annual report of the review to the appropriate congressional committees. The funding authorized in this bill will support 26 new MSG posts and covers salaries and associated costs for 156 new MSG personnel.