

H.R. , Department of State Authorization Act of 2018
Section-By-Section Summary

Section 1. Short Title; Table of Contents.

Section 2. Definitions. Defines relevant terms that appear throughout this Act.

Title I. Organization and Operation of the Department of State

Section 101. Sense of Congress on Importance of the Department of State's Work. Sense of Congress on the importance of the work of the State Department and the U.S. Agency for International Development ("USAID") as agencies that promote U.S. national security and prosperity.

Section 102. Reorganization Authority. Requires Congress to be notified of any reorganization plans of either the State Department or USAID within 60 days of passage of this act, and prohibits such reorganization from taking place until 30 days after such notification. Specifies that the reorganization plan shall preserve the independence of USAID.

Section 103. Sense of Congress Regarding Need for Congressional Authorization Prior to USAID Reorganization. Expresses the Sense of Congress that a change in USAID's current independent status would require Congressional authorization.

Section 104. National Diplomacy and Development Strategy. Expands the requirement for the State Department and USAID to produce a joint strategic plan under the Government Performance and Results Act by specifying that the plan be tied to the national security strategy and include various strategic planning elements.

Section 105. Office of Global Women's Issues. Permissively authorizes the activities of the existing Office of Global Women's Issues and mandates a report on the implementation of the duties of the office.

Section 106. Office of International Religious Freedom. Places any religion-related special envoys under the supervision of the preexisting, statutorily mandated Ambassador at Large for International Religious Freedom.

Section 107. Bureau of Democracy, Human Rights, and Labor. Places any special envoys, ambassadors-at-large, and coordinators within the Bureau of Democracy, Human Rights, and Labor (DRL) under the supervision of the Assistant Secretary of DRL. Codifies the authorities of the existing DRL Bureau.

Section 108. Assistant Secretary for International Narcotics and Law Enforcement Affairs. Amends the State Department Basic Authorities Act to codify the existing Assistant Secretary for International Narcotics and Law Enforcement Affairs. Delineates areas of responsibility and identifies certain duties for the Assistant Secretary. It also modifies the annual International Narcotics Control Strategy Report to add a requirement related to partner vetting.

Section 109. Office of International Disability Rights. Permissively authorizes the activities of the existing Office of International Disability Rights.

Section 110. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration. Codifies the existence of two longstanding Bureaus in the Department: the Bureau of Consular Affairs; and the Bureau of Population, Refugees, and Migration.

Section 111. Anti-Piracy Information Sharing. Improves the ability of the United States to share and receive information to combat piracy and armed robbery against ships in Asia by authorizing continued U.S. participation in the anti-Piracy Information Center in Singapore.

Section 112. Extension of Authority to Assess Passport Surcharge. Extends the Secretary's existing authority to establish and collect a passport surcharge that was instituted to cover the costs of meeting the increased demand for passports following enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458, IRTPA).

Section 113. Overseas Comparability Pay Limitation. Reasserts Committee jurisdiction (by replacing what has been carried year-to-year in appropriations bills) with a legislative authority/restriction to pay Foreign Service Officers serving overseas not more than two-thirds of the locality pay adjustment they receive while stationed in Washington, DC (the same proportional limitation that has been in place since FY 2012).

Section 114. Recall and Reemployment of Career Members. Authorizes the Secretary to recall to service separated or retired civil service members in addition to Foreign Service members when in the interests of the Department.

Section 115. Director General of the Foreign Service and Director of the Foreign Service Institute. Unifies responsibility for training and assignments of State Department personnel under the Director General by placing the Director of the Foreign Service Institute under the supervision of the Director General.

Section 116. Importance of Foreign Affairs Training to National Security. Expresses the sense of Congress that effective training of State Department personnel is essential to the national security of the United States.

Section 117. Basic Training and Evaluation of Career Candidates to the Foreign Service. Directs the Secretary of State to implement an effective and rigorous basic training course for career candidates in the Foreign Service, and requires all career candidates to pass the course before proceeding to their first assignment.

Section 118. Counterintelligence and Counterterrorism Training for Foreign Service Officers. Mandates regular counterintelligence and counterterrorism training for members of the Foreign Service.

Section 119. Foreign Language Training Reform. Removes limits on the language training a member of the Foreign Service may take in connection with the performance of their duties.

Section 120. Authorization for Receipt of Private Funding for Diplomatic Studies and Training. Authorizes the Foreign Service Institute to accept private contributions to assist with the training of State Department personnel. Requires the names of donors be made available to Congress.

Section 121. Classification and Assignment of Foreign Service Officers. Permits the State Department to temporarily fill Foreign Service designated positions that have been vacant for more than 365 days with persons who are not members of the Foreign Service.

Section 122. Cyber Diplomacy. Establishes a U.S. international cyberspace policy and an office of Cyberspace and the Digital Economy, led by an ambassador who shall serve as the principal cyber policy official within the senior management of the Department and advisor to the Secretary of State on cyber issues.

Section 123. Energy Diplomacy and Security. Replaces the Coordinator for International Energy Affairs with an authorization for an Assistant Secretary for Energy Resources and a requirement that there be personnel dedicated to energy matters within the Department responsible for various energy policy priorities enumerated in this section.

Title II – Embassy Construction

Section 201. Standard Design in Capital Construction. Requires the State Department to consult with Congress on new embassy and consulate projects that do not use a standard design, and to justify any decision to use a non-standard design in terms of cost, schedule, and security.

Section 202. Capital Construction Transparency. Requires the State Department to report to Congress quarterly instead of annually on all ongoing capital construction projects, including information on budget, schedule, and contractor claims.

Section 203. Contractor Performance Information. Requires the State Department to complete contractor performance evaluations required by the Federal Acquisition Regulations, brief Congress, and develop a prioritization system for clearing its current backlog of evaluations.

Section 204. Growth Projections for New Embassies and Consulates. Requires the State Department to base growth projections for new embassies and consulates on available data (rather than assuming 10% growth for all projects).

Section 205. Long-Range Planning Process. Requires the State Department to re-start its long-term planning process for building and maintaining new diplomatic posts and reexamining America's overseas diplomatic "footprint."

Section 206. Value Engineering and Risk Assessment. Requires the State Department to confirm to Congress that it has met standing requirements to conduct value engineering and risk

assessment studies on major capital construction projects, and to make the results of those studies available to Congress if requested.

Section 207. Business Volume. Clarifies existing statute that requires bidders on capital construction projects to have achieved business volume equal to the project they're bidding on over the course of 3 years out of the previous five.

Section 208. Embassy Security Requests and Deficiencies. Requires the State Department to make available to Congress information on security deficiencies at posts abroad.

Section 209. Overseas Security Briefings. Requires the State Department to provide written or oral security briefings to all U.S. Government personnel traveling overseas on official business.

Title III – Personnel Issues

Section 301. Special Appointments. Requires the State Department to report to Congress on recommendations for keeping or eliminating existing administratively-created special envoys. Eliminates administratively-created special envoys and offices that are not presented for Senate advice and consent within 90 days of submitting that report, and allows for the establishment or re-establishment of any special envoys if presented for advice and consent within 90 days of appointment. Allows the appointment of temporary special envoys after notification to Congress that the described envoy will not exercise significant authority. Eliminates the Special Representative for Burma in light of the 2012 appointment of an Ambassador to Burma, and eliminates the Coordinator for Afghan Assistance in light of the Bureau of South and Central Asian Affairs assuming the staff and functions of that position.

Section 302. Defense Base Act Insurance Waivers. Requires State to apply for waivers to a law requiring foreign contractors to have workers compensation insurance if contractors are already covered domestically. State used to have waiver authority, but now has to get waivers from Department of Labor, and has not done so for all countries in which contractors are covered domestically.

Section 303. Study on Foreign Service Allowances. Requires the Secretary to submit a report to Congress analyzing the effect of overseas allowances on the foreign assignment of Foreign Service Officers (FSOs), and particularly how such allowances incentivize FSOs to bid on certain assignments, to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

Section 304. Science and Technology Fellowships. Authorizes the State Department to provide grant authority, not to exceed \$500k per fiscal year, for science and technology fellowship programs. This includes the Jefferson Science Fellows Program, which brings distinguished science and technology university professors into the State Department as unpaid consultants for one to two years. These fellows receive salary and benefits from their universities and work on issues that include nuclear programs, export controls, and energy.

Section 305. *Travel for Separated Families.* Allows a Foreign Service Officer's child whose other parent is in a different location to transfer their State Department-paid airline ticket (allowed for in statute for the child to visit the other parent) to the other parent.

Section 306. *Home Leave Travel for Separated Families.* Allows a Foreign Service Officer at an unaccompanied post to take their home leave travel wherever their family is residing if they are not residing in the United States.

Section 307. *Sense of Congress Regarding Certain Fellowship Programs.* States that it is the sense of Congress that the State Department and USAID should fulfill their obligations to each Rangel, Pickering, and Payne fellow as defined in their original contractual agreements.

Section 308. *Technical Correction.* Clarifies that certain prerequisites for promotion into the Senior Foreign Service as carried in the Department of State Authorities Act for FY2017 (P.L. 114-323) only apply to Foreign Service Officer generalists (and not specialists).

Section 309. *Foreign Service Awards.* Amends the Foreign Service Act of 1980 to clarify that members of the Civil Service may be awarded Department Awards.

Section 310. *Diplomatic and Consular Programs.* Authorizes the State Department's "Diplomatic and Consular Programs" account, which funds the Department's diplomatic personnel, programs, and embassy security, at currently appropriated levels. Encourages the Department to continue recruiting and training personnel at a rate consistent with prior years. Requires that the Secretary notify and report to Congress on the Department's strategic staffing plan prior to pursuing a reduction-in-force or "buyouts" of personnel.

Title IV – Diversity

Section 401. *Definitions.* Defines relevant terms that appear throughout this title.

Section 402. *Collection, Analysis, and Dissemination of Workforce Data.* Requires the State Department to report on demographic data related to its workforce and diversity efforts.

Section 403. *Exit Interviews or Surveys.* Requires the Director General of the Foreign Service to offer departing employees the opportunity for an exit interview and analyze the results for diversity impacts. Requires the State Department to track demographic data on participation in professional development programs and encourage participation from underrepresented groups.

Section 404. *Recruitment.* Encourages the State Department to recruit a diverse workforce by preparing a diversity recruitment plan, recruiting at minority-serving institutions and job fairs in urban and rural communities, and providing opportunities through leadership programs and international affairs organizations dedicated to shared diversity goals.

Section 405. *Veteran Recruitment for the Foreign Service.* Encourages the State Department to offer the Foreign Service written and oral examinations in diverse locations throughout the United States (in addition to the District of Columbia and San Francisco), to improve

accessibility for potential candidates, particularly veterans and military members transitioning to civilian life. Requires that the Board of Examiners for the Foreign Service offer the oral assessment examinations in at least three time zones in the United States in a calendar year.

Section 406. Payne Fellowship Authorization. Allows the existing Donald M. Payne fellowship program to conduct outreach to help attract outstanding students from diverse ethnic and socioeconomic backgrounds to Foreign Service careers.

Section 407. Voluntary Participation. Clarifies that all the data collected under Title 4 is voluntary and subject to relevant privacy protections.

Title V – Information Security

Section 501. Definitions. Defines relevant terms that appear throughout this title.

Section 502. Information System Security. Requires the Secretary to regularly consult appropriate departments or agencies regarding the security of the State Department's information systems. Also requires a regular report on penetrations and compromises of the Department's systems and networks, including an assessment of the source of the breach, the risk it poses across U.S. networks, and what actions the Department is taking to prevent future attacks.

Section 503. Improving FOIA Process. Requires the State Department to develop and submit a cost-effective plan to identify and coordinate with the intelligence community on classified information in documents subject to Freedom of Information Act (FOIA) requests.

Section 504. Annual Report on Security Violations. Requires an annual report from the State Department on all significant security violations and actions taken by State to respond to such violations.

Section 505. Classified Information Spillage. Requires certain Diplomatic Security (DS) agents to receive training in identifying classified information. Also requires these DS agents to conduct quarterly random samples of State Department emails to check for classified information spillage and requires the Inspector General to audit the DS checks for classified spillage.

Section 506. Refresher Training on the Handling of Classified Information. Requires all State Department employees with security clearances to take refresher training on the handling and safeguarding of classified information.

Section 507. Prohibition on Contracting with Certain Telecommunications Providers. Requires the State Department to develop a list, in coordination with the Office of the Director of National Intelligence (ODNI), of contractors that have knowingly participated in a cyber attack or surveillance against the U.S. by or on behalf of cyber threat actors. Prohibits the State Department from contracting with contractors on the list.

Section 508. Report on Contracts with Kaspersky Labs and Huawei. Requires the State Department to develop a process for determining whether the Department has purchased products from Kaspersky, Huawei, or ZTE, and whether any of those products are still in use.

Title VI – Public Diplomacy

Section 601. Avoiding Duplication of Programs and Efforts. Emphasizes the need for the State Department’s Under Secretary for Public Affairs to increase coordination and efficiency, and to eliminate duplicative functions.

Section 602. American Spaces Review. Requires a one-time report on the full cost, usage rates, and significance of American Spaces.

Section 603. Improving Research and Evaluation of Public Diplomacy. Directs the Secretary to conduct regular research and evaluation of public diplomacy programs. Establishes a Director of Research and Evaluation, without increasing overall positions in the Department, and with budget authority and responsibility for directing and coordinating all State Department public diplomacy research and evaluation activities. Recommends allocating 3-5% of public diplomacy program funds for research and evaluation. Exempts data collection and its usage from the Paperwork Reduction and Privacy Acts. Establishes a subcommittee for research and evaluation in the Advisory Commission on Public Diplomacy to evaluate the Department’s public diplomacy research and evaluation efforts.

Title VII – Combating Public Corruption

Section 701. Sense of Congress. Expresses the Sense of Congress that it is in the foreign policy interest of the United States to help other countries promote good governance and combat public corruption, and that the State Department should promote greater coordination among the Federal departments and agencies implementing programs toward that end.

Section 702. Annual Assessment. Requires the Secretary for each of the fiscal years 2019 through 2025 to utilize independent, third party indicators and other considerations to assess the capacity and commitment of foreign countries to combat public corruption. Upon completing the assessment, the Secretary is required to provide to the appropriate congressional committees and make publicly available a report that identifies those countries that are: (1) meeting minimum standards to combat public corruption; (2) not meeting minimum standards but making significant efforts to do so; or (3) are neither meeting minimum standards nor making significant efforts to do so. The Secretary may provide a briefing to the appropriate committee in lieu of a report if the Secretary determines that publishing such report would undermine existing U.S. anti-corruption efforts or threaten U.S. national interests.

Section 703. Transparency and Accountability. Requires the Secretary, in coordination with the USAID Administrator, to ensure that a corruption risk assessment and mitigation strategy is included in the integrated country strategy for each country identified as either “not meeting minimum standards but making significant efforts to do so,” or “neither meeting minimum

standards nor making significant efforts.” Further requires the Secretary, in coordination with the Administrator, to utilize appropriate mechanisms to combat corruption in such countries.

Section 704. Designation of Embassy Anti-Corruption Points of Contact. Requires the Secretary to designate an anticorruption point of contact at the U.S. mission to each country identified in section 702. Points of contact shall be responsible for coordinating and overseeing a whole-of-government approach to combatting public corruption in their posted countries.

Section 705. Reporting Requirements. Requires an annual report on implementation of this anti-corruption title. Further requires the Secretary to make available existing reports relating to foreign corruption on a single, public, online platform. Requires the incorporation of anti-corruption training into existing Foreign Service and Civil Service training courses.

Title VIII – Miscellaneous

Section 801. Case-Zablocki Reform. Requires each department or agency that enters into international agreements on behalf of the United States to designate an officer responsible for transmitting the text of those agreements to the State Department within 20 days of signing.

Section 802. Reporting on Implementation of GAO Recommendations. Requires the State Department to report on and justify unimplemented GAO recommendations.

Section 803. Extension of Authority for Certain Accountability Review Boards. The requirement for an “Accountability Review Board” for incidents involving serious injury or significant destruction of property at U.S. missions has been waived for Afghanistan and Iraq since 2005, due to the difficulty and danger of conducting such reviews in areas of active combat. This provision deletes Iraq from the waiver and extends the waiver only for Afghanistan until September 30, 2021.

Title IX – Military Assistance

Subtitle A – General Provisions

Section 901. Modification of Purposes for Which Military Sales by the United States Are Authorized. Amends section 4 of the Arms Export Control Act (AECA) to clarify that combatting terrorism is a purpose for which defense articles and services may be transferred to friendly countries.

Section 902. Return of Defense Articles. Amends section 21 of the AECA to clarify the circumstances under which certain defense articles sold abroad may be retransferred to the United States.

Section 903. Requirements Relating to Exemptions for Licensing of Defense Items. Amends section 38 of the AECA to establish a license exemption for the export of certain less-sensitive defense items to NATO, any member country of that organization, the Republic of Korea, Australia, New Zealand, or Israel. The exemption would not apply if such a member country or

other country were prohibited from acquiring U.S. defense items under any other provision of law.

Section 904. Amendment to General Provisions. Amends section 42(a) of the AECA to require special emphasis be placed on competitive procurement in the United States in carrying out Foreign Military Sales and related programs under that Act.

Section 905. Technical Amendments to Arms Export Control Act. Changes references in the AECA from the “North Atlantic Treaty Organization (NATO) Support Organization,” to “North Atlantic Treaty Organization (NATO) Support and Procurement Organization.” Adds NATO as an organization to the list of countries included in section 36(b)(6) of the AECA.

Section 906. Sense of Congress on Licensing Under United States Arms Export Control Programs. Urges the President to improve and streamline certain defense trade licensing programs, including mechanisms developed under the Special Comprehensive Export Authorizations for NATO member countries and other close U.S. allies and defense partners.

Section 907. Extension of War Reserve Stockpile Authority. This amends section 514 of the Foreign Assistance Act and section 12001(d) of the Department of Defense Appropriations Act for 2005 to extend the authority of the War Reserves Stock Allies-Israel (WRSA-I).

Section 908. Peacekeeping Operations and Other National Security Programs. Amends section 551 of the Foreign Assistance Act to clarify and make more transparent how the Department of State utilizes the authority for peacekeeping operations (PKO). Codifies language included in annual appropriation bills that allows PKO funds to be used to train forces other than national military forces to participate in peacekeeping operations; allows the use of PKO funds for disarmament, demobilization, and reintegration purposes; and requires that use of the funds to provide general security assistance be subject to applicable provisions of the Arms Export Control Act. Enhances Congressional oversight over the use of these funds.

Section 909. Other Amendments to Military Assistance Authorities. Clarifies that statutory reports to Congress on emergency military assistance and use of drawdown authorities are to be submitted annually. Clarifies that excess defense articles can be transferred (pursuant to statute) to regional and international organizations, as well as to countries. Shifts the due date for the annual foreign military training report from January 31 to March 1.

Subtitle B –Security Sector Reform

Section 921. List of Priority Countries for Security Sector Assistance. Requires the Secretary of State, in consultation with the Secretary of Defense, to submit in the annual Congressional Budget Justification a list of countries determined to be priorities for the receipt of U.S. security sector assistance.

Section 922. Coordinator for Security Sector Assistance in Priority Countries. Requires the Secretary of State to ensure that an appropriately senior person or persons are designated as lead officers on security sector issues at Embassies or diplomatic missions identified as priority

countries for U.S. security sector assistance. Requires such designated individuals to receive specialized security-sector training at the National Foreign Affairs Training Center.

Section 923. Policies and Guidance for Regional Bureaus of Department of State. Requires the Secretary of State to establish policies and provide guidance for the regional bureaus, which include the designation of an individual in each such bureau to serve as the point person for coordinating security sector assistance and related policies. Such designated individuals would be required to receive specialized security-sector training at the National Foreign Affairs Training Center.

Section 924. Office for Security Sector Assistance in Department of State. Requires the Secretary of State to designate an office in the Department to serve as the central coordinating point for policy related to security sector assistance, and provides an exception if the Secretary certifies that the Department has developed an equally effective mechanism for such coordination.

Section 925. Database for Security Assistance. Encourages the President to seek to ensure that the Department of State, the Department of Defense, and other appropriate Federal agencies share a common database of information for security assistance programs, including funding by country.

Section 926. Definitions. Defines relevant terms that appear through this title.

Subtitle C—Modifications of authorities that provide for rescission of determinations of countries as state sponsors of terrorism

Section 931. Modifications of authorities that provide for rescission of determinations of countries as state sponsors of terrorism. Significantly strengthens Congressional oversight over proposed delistings of State Sponsors of Terrorism, by increasing the period of time Congress has to review any such proposed action (from 45 days to 90 days), and increasing the time a country must refrain from supporting terrorism before the President can remove such a designation (from 6 months to 2 years). Also requires the President to notify Congress when the Administration initiates a review of a country's designation and, 20 days later, brief Congress on the status of that review. This section is adapted from the text of H.R. 5484, the State Sponsors of Terrorism Review Enhancement Act, which passed the House in 2016.