

**TAIWAN POLICY ACT OF 2013; AND
DEPARTMENT OF STATE OPERATIONS AND
EMBASSY SECURITY AUTHORIZATION ACT,
FISCAL YEAR 2014**

MARKUP

BEFORE THE

**COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES**

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

ON

H.R. 419 and H.R. 2848

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**TAIWAN POLICY ACT OF 2013; AND
DEPARTMENT OF STATE OPERATIONS AND
EMBASSY SECURITY AUTHORIZATION ACT,
FISCAL YEAR 2014**

THURSDAY, AUGUST 1, 2013

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:11 a.m., in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman ROYCE. The committee will come to order. Pursuant to notice we meet today to mark up two bipartisan measures, which we will take up according to the procedures sent around to all members' offices last night, and, without objection, all members may have 5 days to submit statements for the record on the bills and on any of the amendments.

The Chair first calls up H.R. 419, the Taiwan Policy Act. And, without objection, the Ros-Lehtinen amendment in the nature of a substitute that was sent to your offices on Monday is made the pending business of the committee at this time. And, without objection, the brief Grayson amendment, 198, which is agreeable to Ms. Ros-Lehtinen and was provided to all members last night, is considered adopted, and the Ros-Lehtinen substitute, as amended by Grayson 198, will be considered base text for this markup today and is considered read and open for amendment at any time.

[The information referred to follows:]

113TH CONGRESS
1ST SESSION

H. R. 419

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2013

Ms. ROS-LEHTINEN (for herself, Mr. STIGES, Mr. DIAZ-BALART, Mr. CONNOLLY, and Mr. CARTER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, 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.**

4 This Act may be cited as the “Taiwan Policy Act of
5 2013”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Taiwan Relations Act (Public Law 96–
4 8; 22 U.S.C. 3301 et seq.), enacted in 1979, has
5 continued for 34 years to be the cornerstone of
6 United States–Taiwan relations and has served as
7 an anchor for peace and security in the Western Pa-
8 cific region.

9 (2) The Taiwan Relations Act, in furthering the
10 national interests of the United States in the West-
11 ern Pacific region, has mandated that the United
12 States will make available to Taiwan such defense
13 articles and defense services in such quantity as may
14 be necessary to enable Taiwan to maintain a suffi-
15 cient self-defense capability, thus allowing the people
16 of Taiwan to preserve a peaceful, democratic, and
17 prosperous way of life.

18 (3) The future of Taiwan must be determined
19 in a peaceful manner and with the assent of the peo-
20 ple of Taiwan.

21 (4) The Taiwan Relations Act declares that—

22 (A) peace and stability in the Western Pa-
23 cific area are in the political, security, and eco-
24 nomic interests of the United States, and are
25 matters of international concern;

1 (B) the United States decision to establish
2 diplomatic relations with the People's Republic
3 of China rests upon the expectation that the fu-
4 ture of Taiwan will be determined by peaceful
5 means;

6 (C) the United States considers any effort
7 to determine the future of Taiwan by other
8 than peaceful means, including by boycotts or
9 embargoes, a threat to the peace and security
10 of the Western Pacific area and of grave con-
11 cern to the United States;

12 (D) the United States will maintain the ca-
13 pacity to resist any resort to force or other
14 forms of coercion that would jeopardize the se-
15 curity, or the social or economic system, of the
16 people on Taiwan; and

17 (E) the preservation and enhancement of
18 the human rights of all the people on Taiwan
19 are reaffirmed as objectives of the United
20 States.

21 (5) In recent years United States–Taiwan rela-
22 tions have suffered from inattention and lack of
23 strategic vision, thereby requiring the Congress to
24 both clarify United States policy toward Taiwan and

1 enhance its oversight role in the implementation of
2 the Taiwan Relations Act.

3 (6) In its China Military Power Report for
4 2012, Taiwan's Ministry of National Defense
5 (MND) estimated that more than 1,600 ballistic and
6 cruise missiles are now being aimed at Taiwan by
7 the Second Artillery Corps of the People's Republic
8 of China and other experts suggest that this number
9 could increase to 1,800 in the near future.

10 (7) The anti-secession law, passed by the Na-
11 tional People's Congress of the People's Republic of
12 China, was found by House Concurrent Resolution
13 98, passed in the House of Representatives on
14 March 16, 2005, by a vote of 424-4, "to create a
15 legal framework for possible use of force against
16 Taiwan" and "to provide a legal justification for the
17 use of force against Taiwan, altering the status quo
18 in the region, and thus is of grave concern to the
19 United States."

20 (8) The legislative requirement to make avail-
21 able defense articles and defense services should in-
22 clude the provision of new F-16 C/D aircraft and
23 upgrades of existing F-16 A/B aircraft essential to
24 Taiwan's security.

1 (9) The 2012 Department of Defense’s Annual
2 Report to Congress on Military and Security Devel-
3 opments Involving the People’s Republic of China
4 noted that “preparing for contingencies in the Tai-
5 wan Strait remains the principal focus and driver of
6 much of China’s military investment. In this context,
7 over the past year, the [People’s Liberation Army]
8 continued to build the capabilities and develop the
9 doctrine it considers necessary to deter Taiwan from
10 declaring independence; to deter, delay, and deny ef-
11 fective U.S. intervention in a potential cross-Strait
12 conflict; and to defeat Taiwan forces in the event of
13 hostilities.”.

14 (10) The language contained in the Joint
15 Communiqué of the United States of America and
16 the People’s Republic of China, dated August 17,
17 1982, which states in part that “arms sales to Tai-
18 wan will not exceed, either in qualitative or in quan-
19 titative terms, the level of those supplied in recent
20 years” shall not, to any degree, diminish the respon-
21 sibility of the United States, as legislatively man-
22 dated in the Taiwan Relations Act, to “make avail-
23 able to Taiwan such defense articles and defense
24 services in such quantity as may be necessary to en-

1 able Taiwan to maintain a sufficient self-defense ca-
2 pability.”.

3 (11) The United States has sought diplomati-
4 cally to preserve Taiwan’s international space, de-
5 spite outside pressure and coercion, and has sought
6 to secure Taiwan’s meaningful participation in such
7 international organizations as the World Health Or-
8 ganization (WHO).

9 (12) Given the critical importance of airport se-
10 curity in a post-September 11th international envi-
11 ronment, the United States recognizes it is crucial
12 for Taiwan to be admitted to meaningful participa-
13 tion in the International Civil Aviation Organization
14 (ICAO) so that Taiwan may contribute to the suc-
15 cess of a global strategy to address aviation security
16 threats based on effective international cooperation.

17 (13) Recognizing that the Taiwan Relations Act
18 stated that it is the policy of the United States “to
19 preserve and promote extensive, close, and friendly
20 commercial, cultural, and other relations between
21 the people of the United States and the people on
22 Taiwan” the Secretary of Homeland Security an-
23 nounced on October 2, 2012, “the designation of
24 Taiwan into the Visa Waiver Program (VWP)” with

1 eligible Taiwan passport holders able to travel on the
2 VWP beginning November 1, 2012.

3 (14) The conclusion of the Economic Coopera-
4 tion Framework Agreement (ECFA) between Tai-
5 wan and the People's Republic of China in June
6 2010 or the adoption of any other cross-Strait eco-
7 nomic measures shall not diminish in any degree the
8 requirement contained in the Act to "maintain the
9 capacity of the United States to resist any resort to
10 force or other forms of coercion that would jeop-
11 ardize the security, or the social or economic system,
12 of the people on Taiwan."

13 (15) The theory recently put forward in certain
14 academic circles that the United States should ac-
15 quiesce to China's ascendancy in Asia and put aside
16 the commitments made in the Taiwan Relations Act
17 is based upon a false premise that ignores the exam-
18 ple of a democratic Taiwan, the historic ties of
19 friendship of the peoples of the United States and
20 Taiwan, and the determination of the United States
21 to remain as a Pacific power.

22 (16) Total United States-Taiwan trade in 2011
23 was \$67,200,000,000 and Taiwan was the 10th
24 largest United States trading partner and the 6th

1 largest market for United States agricultural ex-
2 ports.

3 (17) It is in the economic interests of the
4 United States and the national security interests of
5 Taiwan for the peoples of the United States and
6 Taiwan to further strengthen and revitalize their
7 trade and investment ties, including through an ex-
8 panded Trans-Pacific Partnership (TPP) Agreement
9 or similar mechanism.

10 **SEC. 3. RULE OF CONSTRUCTION.**

11 Nothing in this Act shall be construed to amend or
12 supersede the Taiwan Relations Act.

13 **TITLE I—POLITICAL RELATIONS**

14 **SEC. 101. RELATIONS WITH THE PEOPLE OF TAIWAN.**

15 The following shall be the policies of the United
16 States:

17 (1) Supporting Taiwan, Taiwan's democracy,
18 and the human rights of its people.

19 (2) As noted in the Taiwan Relations Act, "the
20 absence of diplomatic relations or recognition shall
21 not affect the application of the laws of the United
22 States with respect to Taiwan, and the laws of the
23 United States shall apply with respect to Taiwan in
24 the manner that the laws of the United States ap-

1 plied with respect to Taiwan prior to January 1,
2 1979.”.

3 (3) The United States Government shall respect
4 the right of the Taipei Economic and Cultural Rep-
5 resentative Office (TECRO) to display its flag on its
6 premises and the American Institute in Taiwan
7 (AIT) and the residence of its Director in Taipei
8 shall, correspondingly, publicly display the United
9 States flag in the same manner as United States
10 embassies, consulates, and official residences
11 throughout the world.

12 (4) The Taipei Economic and Cultural Rep-
13 resentative Office and all other instrumentalities es-
14 tablished by Taiwan, including the Twin Oaks Es-
15 tate, may conduct official business activities, includ-
16 ing activities which involve participation by Members
17 of the United States Congress and other representa-
18 tives of the Federal, State, and local governments,
19 without any impediment from the United States
20 Government or any foreign power.

21 **SEC. 102. VISITS BY CABINET LEVEL OFFICIALS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) Visits by United States cabinet officials and
24 other high-ranking visitors are an indicator of the

1 breadth and depth of ties between the United States
2 and Taiwan.

3 (2) In December 1992, United States Trade
4 Representative Carla Hills visited Taiwan, marking
5 the first cabinet-level visit since 1979.

6 (3) Over the next 8 years the Administrator of
7 the Small Business Administration, the Secretary of
8 Energy, and 2 Secretaries of Transportation visited
9 Taiwan.

10 (4) No United States cabinet secretary has vis-
11 ited Taiwan since July 2000.

12 (5) In March 2008, candidate Barack Obama
13 wrote in a message congratulating Ma Ying-jeou on
14 his election victory that “[t]he U.S. should reopen
15 blocked channels of communication with Taiwan of-
16 ficials”, however no Cabinet-level visits to Taiwan
17 have yet taken place.

18 (b) POLICY OF THE UNITED STATES.—It shall be the
19 policy of the United States to encourage visits by cabinet-
20 level officials between the United States and Taiwan to
21 foster commercial, technological, and people-to-people ex-
22 changes.

1 **SEC. 103. REVISION OF GUIDELINES FOR CONTACTS WITH**
2 **TAIWAN.**

3 Notwithstanding the 1994 Taiwan policy review and
4 current mandatory guidance from the Department of
5 State regarding contacts with Taiwan, it shall be the pol-
6 icy of the United States to—

7 (1) permit senior leaders of Taiwan to enter the
8 United States under conditions which demonstrate
9 appropriate courtesy and respect for the dignity of
10 such leaders;

11 (2) permit meetings between high-level Tai-
12 wanese and United States officials in all United
13 States executive departments;

14 (3) allow official travel to Taiwan for Depart-
15 ment of State and Department of Defense personnel
16 above the rank of office director or, for uniformed
17 military personnel, above the level of O6 (Colonel,
18 Navy Captain); and

19 (4) support a decision by Taiwan to change the
20 name of the Taipei Economic and Cultural Rep-
21 resentative Office to that of the Taiwan Representa-
22 tive Office.

1 **SEC. 104. REQUIREMENT FOR SENATE CONFIRMATION OF**
2 **AN INDIVIDUAL APPOINTED TO SERVE AS**
3 **THE DIRECTOR OF THE AMERICAN INSTI-**
4 **TUTE IN TAIWAN.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of law, the President shall appoint, by and with the
7 advice and consent of the Senate, an individual to serve
8 as the Director of the American Institute in Taiwan.

9 (b) **TRANSITION.**—The individual serving as the Di-
10 rector of the American Institute in Taiwan as of the date
11 of the enactment of this Act may continue to serve in such
12 capacity until such time as an individual is appointed and
13 confirmed in accordance with subsection (a).

14 **SEC. 105. EXTRADITION AGREEMENT.**

15 (a) **IN GENERAL.**—It shall be the policy of the United
16 States to enhance judicial cooperation with Taiwan, cur-
17 rently conducted on the basis of the 2002 Agreement on
18 Mutual Legal Assistance in Criminal Matters, by signing
19 a comprehensive extradition agreement.

20 (b) **REPORT.**—Not later than 180 days after the date
21 of enactment of this Act, the President shall transmit to
22 Congress a report that assesses whether a comprehensive
23 extradition agreement between the United States and Tai-
24 wan may be submitted to the Senate for advice and con-
25 sent as a treaty or whether, because of Taiwan's unique
26 status, such agreement must be submitted to both the

1 House of Representatives and Senate for legislative ap-
2 proval.

3 **SEC. 106. CONTINUATION OF THE SIX ASSURANCES AS**
4 **GUIDELINES IN CONDUCTING UNITED**
5 **STATES-TAIWAN RELATIONS.**

6 Notwithstanding any communiqués entered into be-
7 tween the United States and the People's Republic of
8 China, the United States continues to assent to the six
9 assurances provided to Taiwan in July, 1982, including
10 that the United States—

11 (1) has not agreed to set a date for ending
12 arms sales to Taiwan;

13 (2) has not agreed to hold prior consultations
14 with the People's Republic of China on arms sales
15 to Taiwan;

16 (3) will not play any mediation role between
17 Taipei and Beijing;

18 (4) has not agreed to revise the Taiwan Rela-
19 tions Act;

20 (5) has not altered its position regarding sov-
21 ereignty over Taiwan; and

22 (6) will not exert pressure on Taiwan to nego-
23 tiate with the People's Republic of China.

1 **SEC. 107. INTERNATIONAL ORGANIZATIONS.**

2 (a) ANNUAL PROGRAM.—To provide Taiwan with the
3 international space it requires to function effectively in the
4 world community, the Secretary of State shall direct the
5 Department of State to continue its annual program to
6 ensure meaningful participation by Taiwan in the World
7 Health Assembly in Geneva, Switzerland, as well as mean-
8 ingful participation for Taiwan in other relevant inter-
9 national organizations, such as the International Civil
10 Aviation Organization (ICAO).

11 (b) MEANINGFUL PARTICIPATION BY TAIWAN.—The
12 Secretary of State shall direct the United States Perma-
13 nent Representative to the United Nations to use the
14 voice, vote, and influence of the United States at the
15 United Nations to ensure meaningful participation for
16 Taiwan in relevant United Nations Entities in which Tai-
17 wan has expressed an interest in participating.

18 **SEC. 108. REPORT ON TAIWAN'S PARTICIPATION IN ICAO.**

19 (a) IN GENERAL.—The Secretary of State shall ini-
20 tiate a United States plan to endorse and obtain meaning-
21 ful participation for Taiwan at the periodic Assemblies
22 held by the International Civil Aviation Organization
23 (ICAO) in Montreal, Canada, including the 38th Assembly
24 to be held in September–October 2013, and in the meet-
25 ings and activities of the ICAO and shall instruct the

1 United States delegation to Montreal to implement such
2 plan.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act and annually thereafter, the
5 Secretary of State shall submit to Congress a report con-
6 taining the plan required under subsection (a).

7 (c) FORM.—The report required under subsection (b)
8 shall be submitted in unclassified form, but may contain
9 a classified annex if necessary.

10 (d) ANNUAL BRIEFING.—The Secretary of State
11 should provide an annual briefing to or consult with Con-
12 gress on any efforts conducted by the United States Gov-
13 ernment in support of Taiwan's progress toward meaning-
14 ful participation in the ICAO.

15 **TITLE II—SECURITY RELATIONS**

16 **SEC. 201. STRENGTHENING THE DEFENSE OF TAIWAN.**

17 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE
18 CAPABILITIES OF TAIWAN.—Congress finds that any de-
19 termination of the nature and quantity of defense articles
20 or defense services to be made available to Taiwan that
21 is made on any basis other than the defense needs of Tai-
22 wan, whether pursuant to the August 17, 1982,
23 Communiqué signed with the People's Republic of China,
24 or any similar executive agreement, order, or policy would

1 violate the intent of Congress specified in section 3(b) of
2 the Taiwan Relations Act (22 U.S.C. 3302(b)).

3 (b) FOREIGN MILITARY SALES AND LICENSED DE-
4 FENSE EXPORTS UNDER THE ARMS EXPORT CONTROL
5 ACT.—Congress finds that, in accordance with the Taiwan
6 Relations Act, the core purpose of foreign military sales
7 and licensed commercial exports under the Arms Export
8 Control Act should be to assist Taiwan in its ability to—

- 9 (1) deter coercion;
- 10 (2) defend against a strategy of coercive diplo-
11 macy employing threats or limited force;
- 12 (3) repel an invasion; and
- 13 (4) partner with civil responders and friendly
14 foreign militaries.

15 (c) DEFENSE TRANSFERS.—In order to accomplish
16 the purposes of this section, the President is authorized
17 to make available to Taiwan defense articles or defense
18 services, including the following:

- 19 (1) Air and air defense capabilities, including—
20 (A) low-cost, survivable sensors;
21 (B) command and control systems;
22 (C) modern surface to air missiles;
23 (D) upgrades to existing modern combat
24 aircraft as well as new combat aircraft, includ-

1 ing Vertical and Short Take-Off and Landing
2 Aircraft (V/STOL);

3 (E) radar, electronic warfare, and jamming
4 capabilities;

5 (F) passive defense measures (such as re-
6 dundancy, dispersal, camouflage/deception,
7 hardening, and rapid repair capabilities); and

8 (G) access to satellites for remote sensing
9 and communication.

10 (2) Maritime capabilities, including—

11 (A) additional sensor capacity for com-
12 prehensive maritime domain awareness;

13 (B) cost-effective submarines for anti-sur-
14 face, anti-submarine warfare, and other mis-
15 sions;

16 (C) mines and mine countermeasure ves-
17 sels; and

18 (D) anti-ship cruise missiles.

19 (3) Ground capabilities, including—

20 (A) layers, short-range air defense;

21 (B) critical infrastructure protection to en-
22 sure continuity of government;

23 (C) air mobility;

24 (D) unmanned air vehicles; and

1 (E) accurate, GPS-guided short-range
2 rockets.

3 (4) Capacity for partnership with friendly for-
4 eign militaries, including—

5 (A) command, control, communications,
6 computers, intelligence, surveillance, and recon-
7 naissance situational awareness systems;

8 (B) enhanced doctrine exchange; and

9 (C) enhanced senior-level training.

10 (d) RULE OF CONSTRUCTION RELATING TO ARMS
11 EXPORT CONTROL ACT.—Nothing in this section shall be
12 construed to supersede or modify section 36 of the Arms
13 Export Control Act (22 U.S.C. 2776).

14 **SEC. 202. ADVANCED COMBAT AIRCRAFT FOR TAIWAN.**

15 (a) STATEMENT OF POLICY.—Notwithstanding the
16 upgrade of Taiwan’s F–16 A/B aircraft, Taiwan will expe-
17 rience a growing shortfall in fighter aircraft, particularly
18 as its F–5 aircraft are retired from service.

19 (b) AUTHORITY TO ACCEPT LETTER OF REQUEST.—
20 Pursuant to the foreign military sales program authorized
21 by the Arms Export Control Act, the President is author-
22 ized to accept a letter of request from Taiwan for price
23 and availability data or for a formal sales offer with re-
24 spect to the F–16C/D Fighting Falcon multirole fighter
25 aircraft or other aircraft of similar capability, as may be

1 necessary to enable Taiwan to maintain a sufficient self-
2 defense capability.

3 **SEC. 203. CONSULTATIONS ON TAIWAN ARMS SALES.**

4 (a) BRIEFINGS.—Not later than 90 days after the
5 date of the enactment of this Act and at least annually
6 thereafter, the Secretary of State, in consultation with the
7 Secretary of Defense, shall provide detailed briefings to
8 Congress on—

9 (1) any discussions conducted between any ex-
10 ecutive branch agency and the Government of Tai-
11 wan during a covered period; and

12 (2) any potential transfer to the Government of
13 Taiwan of defense articles or defense services.

14 (b) DEFINITIONS.—In this section and section 201:

15 (1) COVERED PERIOD.—The term “covered pe-
16 riod” means, with respect to—

17 (A) the initial briefing required under sub-
18 section (a), the period beginning on the date of
19 the enactment of this Act and ending on the
20 date of such initial briefing; and

21 (B) subsequent briefings required under
22 such subsection, the period beginning on the
23 day after the date of the most recent briefing
24 and ending on the date of any such subsequent
25 briefing.

1 (2) EXECUTIVE BRANCH AGENCY.—The term
2 “executive branch agency” has the meaning given
3 the term “agency” in section 551(1) of title 5,
4 United States Code.

5 (3) DEFENSE ARTICLE.—The term “defense ar-
6 ticle” has the meaning given such term in section 47
7 of the Arms Export Control Act (22 U.S.C. 2794).

8 (4) DEFENSE SERVICE.—The term “defense
9 service” has the meaning given such term in section
10 47 of the Arms Export Control Act (22 U.S.C.
11 2794).

12 **SEC. 204. ANNUAL REPORT ON DEFENSE TRANSFERS TO**
13 **TAIWAN.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act and annually thereafter,
16 the President shall transmit to Congress a report—

17 (1) detailing each of Taiwan’s requests for pur-
18 chase of defense articles and defense services during
19 the immediately preceding one-year period, whether
20 submitted through a letter of request (LOR) or con-
21 veyed by other authoritative means, except that the
22 first report under this section shall cover the period
23 2006 through 2011;

24 (2) describing the defense needs asserted by
25 Taiwan as justification for such requests;

1 (3) describing the decisionmaking process used
2 to reject, postpone, or modify any such request, in-
3 cluding—

4 (A) with respect to significant military
5 equipment, the country team assessment and
6 recommendation as to whether the United
7 States should sell such equipment; and

8 (B) for each request, the elapse of time be-
9 tween the submission of such request and the
10 completion of the interagency review process by
11 the United States; and

12 (4) detailing those defense articles and defense
13 services listed in the Arms Sale Proposal described
14 in section 25 of the Arms Export Control Act (22
15 U.S.C. 2765), including a description of the ration-
16 ale for including or not including in such Proposal,
17 as the case may be, all sales and licensed exports to
18 Taiwan under such Act of major weapons or weap-
19 ons-related defense equipment for \$7,000,000 or
20 more, and the extent to which a decision to not in-
21 clude in such Proposal such sales to Taiwan is con-
22 sistent with such section.

23 (b) FORM.—The report required under subsection (a)
24 shall be submitted in unclassified form, but may contain
25 a classified annex if necessary.

1 **SEC. 205. REPORT ON IMPLEMENTATION OF TAIWAN RELA-**
2 **TIONS ACT.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the President shall sub-
5 mit to Congress a report on implementation of United
6 States security policy under the Taiwan Relations Act.

7 (b) MATTERS TO BE INCLUDED.—The report re-
8 quired under subsection (a) shall include, at a minimum,
9 the following:

10 (1) A review of the operational planning, policy
11 reviews, and other preparations of the United States
12 since 2000 to implement section 2(b)(6) and sub-
13 sections (a), (b), and (c) of section 3 of the Taiwan
14 Relations Act, including the extent to which the
15 United States retains the capacity to resist any re-
16 sort to force or other forms of coercion that would
17 jeopardize the security, or the social or economic
18 system, of the people of Taiwan. Such review shall
19 take into account whether Taiwan's air and air de-
20 fense forces retain the ability to effectively defend
21 Taiwan against China's ballistic missile and air
22 threats, and the extent to which the absence of cred-
23 ible Taiwanese air defense forces may complicate the
24 ability of the United States to resist any resort to
25 force that jeopardizes the security of Taiwan.

1 (2) An evaluation of all gaps in relevant knowl-
2 edge about the capabilities and intentions of the
3 People's Republic of China as such capabilities and
4 intentions might affect the current and future mili-
5 tary balance between Taiwan and China, such as
6 anti-access and area denial capabilities as well as
7 anti-satellite and space warfare developments, in-
8 cluding both classified United States intelligence in-
9 formation and Chinese open source writing.

10 (e) FORM.—The report required under subsection (a)
11 shall be submitted in unclassified form, but may contain
12 a classified annex if necessary.

13 **SEC. 206. NAVAL VESSEL TRANSFER AUTHORITY.**

14 (a) TRANSFER BY SALE.—The President is author-
15 ized to transfer the OLIVER HAZARD PERRY class
16 guided missile frigates USS TAYLOR (FFG-50), USS
17 GARY (FFG-51), USS CARR (FFG-52), and USS
18 ELROD (FFG-55) to the Taipei Economic and Cultural
19 Representative Office of the United States (which is the
20 Taiwan instrumentality designated pursuant to section
21 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)))
22 on a sale basis under section 21 of the Arms Export Con-
23 trol Act (22 U.S.C. 2761).

24 (b) COSTS OF TRANSFERS.—Any expense incurred by
25 the United States in connection with a transfer authorized

1 by this section shall be charged to the recipient notwith-
2 standing section 516(e) of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2321j(e)).

4 (e) REPAIR AND REFURBISHMENT IN UNITED
5 STATES SHIPYARDS.—To the maximum extent prac-
6 ticable, the President shall require, as a condition of the
7 transfer of a vessel under this section, that the recipient
8 to which the vessel is transferred have such repair or re-
9 furbishment of the vessel as is needed, before the vessel
10 joins the naval forces of that recipient, performed at a
11 shipyard located in the United States, including a United
12 States Navy shipyard.

13 (d) EXPIRATION OF AUTHORITY.—The authority to
14 transfer a vessel under this section shall expire at the end
15 of the 3-year period beginning on the date of the enact-
16 ment of this Act.

17 **TITLE III—ECONOMIC AND**
18 **TRADE RELATIONS**

19 **SEC. 301. TRADE AND INVESTMENT FRAMEWORK AGREE-**
20 **MENT.**

21 It is the sense of Congress that, at the earliest oppor-
22 tunity, the United States Trade Representative should
23 seek to resume and successfully conclude negotiations of
24 economic issues in the Trade and Investment Framework
25 Agreement (TIFA) talks with Taiwan.

1 **SEC. 302. FREE TRADE AGREEMENT.**

2 (a) IN GENERAL.—It is the sense of Congress that
3 the ultimate goal of trade negotiations with Taiwan should
4 be the negotiation of a free trade agreement with Taiwan.
5 As building blocks toward that goal, the United States
6 should study the feasibility of negotiating with Taiwan a
7 bilateral—

8 (1) investment agreement; and

9 (2) tax agreement.

10 (b) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the President shall transmit to
12 Congress a report that assesses whether economic and
13 trade agreements between the United States and Taiwan
14 may be submitted to the Senate for advice and consent
15 as a treaty or whether, because of Taiwan's unique status,
16 such agreements must be submitted to both the House of
17 Representatives and Senate for legislative approval.

AMENDMENT TO H.R. 419
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taiwan Policy Act of
3 2013”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Taiwan Relations Act (Public Law 96–
7 8; 22 U.S.C. 3301 et seq.), enacted in 1979, has
8 continued for 34 years to be the cornerstone of
9 United States–Taiwan relations and has served as
10 an anchor for peace and security in the Western Pa-
11 cific region.

12 (2) The Taiwan Relations Act, in furthering the
13 national interests of the United States in the West-
14 ern Pacific region, has mandated that the United
15 States will make available to Taiwan such defense
16 articles and defense services in such quantity as may
17 be necessary to enable Taiwan to maintain a suffi-
18 cient self-defense capability, thus allowing the people

1 of Taiwan to preserve a peaceful, democratic, and
2 prosperous way of life.

3 (3) The future of Taiwan must be determined
4 in a peaceful manner and with the assent of the peo-
5 ple of Taiwan.

6 (4) The Taiwan Relations Act declares that—

7 (A) peace and stability in the Western Pa-
8 cific area are in the political, security, and eco-
9 nomic interests of the United States, and are
10 matters of international concern;

11 (B) the United States decision to establish
12 diplomatic relations with the People's Republic
13 of China rests upon the expectation that the fu-
14 ture of Taiwan will be determined by peaceful
15 means;

16 (C) the United States considers any effort
17 to determine the future of Taiwan by other
18 than peaceful means, including by boycotts or
19 embargoes, a threat to the peace and security
20 of the Western Pacific area and of grave con-
21 cern to the United States;

22 (D) the United States will maintain the ca-
23 pacity to resist any resort to force or other
24 forms of coercion that would jeopardize the se-

1 curity, or the social or economic system, of the
2 people on Taiwan; and

3 (E) the preservation and enhancement of
4 the human rights of all the people on Taiwan
5 are reaffirmed as objectives of the United
6 States.

7 (5) United States–Taiwan relations have suf-
8 fered from inattention and lack of strategic vision,
9 thereby requiring the Congress to both clarify
10 United States policy toward Taiwan and enhance its
11 oversight role in the implementation of the Taiwan
12 Relations Act.

13 (6) In its China Military Power Report for
14 2012, Taiwan’s Ministry of National Defense
15 (MND) estimated that more than 1,600 ballistic and
16 cruise missiles are now being aimed at Taiwan by
17 the Second Artillery Corps of the People’s Republic
18 of China and other experts suggest that this number
19 could increase to 1,800 in the near future.

20 (7) The anti-secession law, passed by the Na-
21 tional People’s Congress of the People’s Republic of
22 China, was found by House Concurrent Resolution
23 98, passed in the House of Representatives on
24 March 16, 2005, by a vote of 424–4, “to create a
25 legal framework for possible use of force against

1 Taiwan” and “to provide a legal justification for the
2 use of force against Taiwan, altering the status quo
3 in the region, and thus is of grave concern to the
4 United States.”.

5 (8) The legislative requirement to make avail-
6 able defense articles and defense services should in-
7 clude the provision of new F-16 C/D aircraft and
8 upgrades of existing F-16 A/B aircraft essential to
9 Taiwan’s security.

10 (9) The 2012 Department of Defense’s Annual
11 Report to Congress on Military and Security Devel-
12 opments Involving the People’s Republic of China
13 noted that “preparing for contingencies in the Tai-
14 wan Strait remains the principal focus and driver of
15 much of China’s military investment. In this context,
16 over the past year, the [People’s Liberation Army]
17 continued to build the capabilities and develop the
18 doctrine it considers necessary to deter Taiwan from
19 declaring independence; to deter, delay, and deny ef-
20 fective U.S. intervention in a potential cross-Strait
21 conflict; and to defeat Taiwan forces in the event of
22 hostilities.”.

23 (10) The language contained in the Joint
24 Communiqué of the United States of America and
25 the People’s Republic of China, dated August 17,

1 1982, which states in part that “arms sales to Tai-
2 wan will not exceed, either in qualitative or in quan-
3 titative terms, the level of those supplied in recent
4 years” shall not, to any degree, diminish the respon-
5 sibility of the United States, as legislatively man-
6 dated in the Taiwan Relations Act, to “make avail-
7 able to Taiwan such defense articles and defense
8 services in such quantity as may be necessary to en-
9 able Taiwan to maintain a sufficient self-defense ca-
10 pability.”.

11 (11) The United States has sought diplomati-
12 cally to preserve Taiwan’s international space, de-
13 spite outside pressure and coercion, and has sought
14 to secure Taiwan’s meaningful participation in such
15 international organizations as the World Health Or-
16 ganization (WHO).

17 (12) Given the critical importance of airport se-
18 curity in a post-September 11th international envi-
19 ronment, the United States recognizes it is crucial
20 for Taiwan to be admitted to meaningful participa-
21 tion in the International Civil Aviation Organization
22 (ICAO) so that Taiwan may contribute to the suc-
23 cess of a global strategy to address aviation security
24 threats based on effective international cooperation.

1 (13) Recognizing that the Taiwan Relations Act
2 stated that it is the policy of the United States “to
3 preserve and promote extensive, close, and friendly
4 commercial, cultural, and other relations between
5 the people of the United States and the people on
6 Taiwan” the Secretary of Homeland Security an-
7 nounced on October 2, 2012, “the designation of
8 Taiwan into the Visa Waiver Program (VWP)” with
9 eligible Taiwan passport holders able to travel on the
10 VWP beginning November 1, 2012.

11 (14) The conclusion of the Economic Coopera-
12 tion Framework Agreement (ECFA) between Tai-
13 wan and the People’s Republic of China in June
14 2010 or the adoption of any other cross-Strait eco-
15 nomic measures shall not diminish in any degree the
16 requirement contained in the Taiwan Relations Act
17 to “maintain the capacity of the United States to re-
18 sist any resort to force or other forms of coercion
19 that would jeopardize the security, or the social or
20 economic system, of the people on Taiwan.”.

21 (15) Total United States–Taiwan trade in 2012
22 was \$63,200,000,000 and Taiwan was the 11th
23 largest United States trading partner and the 7th
24 largest market for United States agricultural ex-
25 ports.

1 (16) It is in the economic interests of the
2 United States and the national security interests of
3 Taiwan for our two peoples to strengthen our trade
4 and investment ties.

5 **SEC. 3. RULE OF CONSTRUCTION.**

6 Nothing in this Act shall be construed to amend or
7 supersede the Taiwan Relations Act.

8 **TITLE I—POLITICAL RELATIONS**

9 **SEC. 101. RELATIONS WITH THE PEOPLE OF TAIWAN.**

10 The following shall be the policies of the United
11 States:

12 (1) Supporting Taiwan, Taiwan’s democracy,
13 and the human rights of its people.

14 (2) As noted in the Taiwan Relations Act, “the
15 absence of diplomatic relations or recognition shall
16 not affect the application of the laws of the United
17 States with respect to Taiwan, and the laws of the
18 United States shall apply with respect to Taiwan in
19 the manner that the laws of the United States ap-
20 plied with respect to Taiwan prior to January 1,
21 1979.”.

22 (3) The United States Government shall respect
23 the right of the Taipei Economic and Cultural Rep-
24 resentative Office (TECRO) to display its flag on its
25 premises and the American Institute in Taiwan

1 (AIT) and the residence of its Director in Taipei
2 shall, correspondingly, publicly display the United
3 States flag in the same manner as United States
4 embassies, consulates, and official residences
5 throughout the world.

6 (4) The Taipei Economic and Cultural Rep-
7 resentative Office and all other instrumentalities es-
8 tablished by Taiwan, including the Twin Oaks Es-
9 tate, may conduct official business activities, includ-
10 ing activities which involve participation by Members
11 of the United States Congress and other representa-
12 tives of the Federal, State, and local governments,
13 without any impediment from the United States
14 Government or any foreign power.

15 **SEC. 102. VISITS BY CABINET LEVEL OFFICIALS.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) Visits by United States cabinet officials and
18 other high-ranking visitors are an indicator of the
19 breadth and depth of ties between the United States
20 and Taiwan.

21 (2) In December 1992, United States Trade
22 Representative Carla Hills visited Taiwan, marking
23 the first cabinet-level visit since 1979.

24 (3) Over the next 8 years the Administrator of
25 the Small Business Administration, the Secretary of

1 Energy, and 2 Secretaries of Transportation visited
2 Taiwan.

3 (4) No United States cabinet secretary has vis-
4 ited Taiwan since July 2000.

5 (b) POLICY OF THE UNITED STATES.—It shall be the
6 policy of the United States to encourage visits by cabinet-
7 level officials between the United States and Taiwan to
8 foster commercial, technological, people-to-people, or other
9 exchanges.

10 **SEC. 103. REVISION OF GUIDELINES FOR CONTACTS WITH**
11 **TAIWAN.**

12 Notwithstanding the 1994 Taiwan policy review and
13 current mandatory guidance from the Department of
14 State regarding contacts with Taiwan, it shall be the pol-
15 icy of the United States to—

16 (1) permit senior leaders of Taiwan to enter the
17 United States under conditions which demonstrate
18 appropriate courtesy and respect for the dignity of
19 such leaders;

20 (2) permit meetings between high-level Tai-
21 wanese and United States officials in all United
22 States executive departments;

23 (3) allow official travel to Taiwan for Depart-
24 ment of State and Department of Defense personnel
25 above the rank of office director or, for uniformed

1 military personnel, above the level of 06 (Colonel,
2 Navy Captain); and

3 (4) support a decision by Taiwan to change the
4 name of the Taipei Economic and Cultural Rep-
5 resentative Office.

6 **SEC. 104. REQUIREMENT FOR SENATE CONFIRMATION OF**
7 **AN INDIVIDUAL APPOINTED TO SERVE AS**
8 **THE DIRECTOR OF THE AMERICAN INSTI-**
9 **TUTE IN TAIWAN.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law, the President shall appoint, by and with the
12 advice and consent of the Senate, an individual to serve
13 as the Director of the American Institute in Taiwan.

14 (b) TRANSITION.—The individual serving as the Di-
15 rector of the American Institute in Taiwan as of the date
16 of the enactment of this Act may continue to serve in such
17 capacity until such time as an individual is appointed and
18 confirmed in accordance with subsection (a).

19 **SEC. 105. EXTRADITION AGREEMENT.**

20 (a) IN GENERAL.—It shall be the policy of the United
21 States to enhance judicial cooperation with Taiwan, cur-
22 rently conducted on the basis of the 2002 Agreement on
23 Mutual Legal Assistance in Criminal Matters, by signing
24 a comprehensive extradition agreement.

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the President shall transmit to
3 Congress a report that assesses whether a comprehensive
4 extradition agreement between the United States and Tai-
5 wan may be submitted to the Senate for advice and con-
6 sent as a treaty or whether, because of Taiwan's unique
7 status, such agreement must be submitted to both the
8 House of Representatives and Senate for legislative ap-
9 proval.

10 **SEC. 106. CONTINUATION OF THE SIX ASSURANCES AS**
11 **GUIDELINES IN CONDUCTING UNITED**
12 **STATES-TAIWAN RELATIONS.**

13 Notwithstanding any communiqués entered into be-
14 tween the United States and the People's Republic of
15 China, the United States continues to assent to the six
16 assurances provided to Taiwan in July, 1982, including
17 that the United States—

18 (1) has not agreed to set a date for ending
19 arms sales to Taiwan;

20 (2) has not agreed to hold prior consultations
21 with the People's Republic of China on arms sales
22 to Taiwan;

23 (3) will not play any mediation role between
24 Taipei and Beijing;

1 (4) has not agreed to revise the Taiwan Rela-
2 tions Act;

3 (5) has not altered its position regarding sov-
4 ereignty over Taiwan; and

5 (6) will not exert pressure on Taiwan to nego-
6 tiate with the People's Republic of China.

7 **SEC. 107. INTERNATIONAL ORGANIZATIONS.**

8 (a) ANNUAL PROGRAM.—To provide Taiwan with the
9 international space it requires to function effectively in the
10 world community, the Secretary of State shall direct the
11 Department of State to continue its annual program to
12 ensure meaningful participation by Taiwan in the World
13 Health Assembly in Geneva, Switzerland, as well as mean-
14 ingful participation for Taiwan in other relevant inter-
15 national organizations.

16 (b) MEANINGFUL PARTICIPATION BY TAIWAN.—The
17 Secretary of State shall direct the United States Perma-
18 nent Representative to the United Nations to use the
19 voice, vote, and influence of the United States at the
20 United Nations to ensure meaningful participation for
21 Taiwan in relevant United Nations Entities in which Tai-
22 wan has expressed an interest in participating.

1 **TITLE II—SECURITY RELATIONS**

2 **SEC. 201. STRENGTHENING THE DEFENSE OF TAIWAN.**

3 (a) MAINTENANCE OF SUFFICIENT SELF-DEFENSE
4 CAPABILITIES OF TAIWAN.—Congress finds that any de-
5 termination of the nature and quantity of defense articles
6 and defense services to be made available to Taiwan that
7 is made on any basis other than the defense needs of Tai-
8 wan, whether pursuant to the August 17, 1982,
9 Communiqué signed with the People’s Republic of China,
10 or any similar executive agreement, order, or policy would
11 violate the intent of Congress specified in section 3(b) of
12 the Taiwan Relations Act (22 U.S.C. 3302(b)).

13 (b) FOREIGN MILITARY SALES AND LICENSED DE-
14 FENSE EXPORTS UNDER THE ARMS EXPORT CONTROL
15 ACT.—Congress finds that, in accordance with the Taiwan
16 Relations Act, the core purpose of foreign military sales
17 and licensed commercial exports under the Arms Export
18 Control Act should be to assist Taiwan in its ability to—

- 19 (1) deter coercion;
20 (2) defend against a strategy of coercive diplo-
21 macy employing threats or limited force;
22 (3) repel an invasion; and
23 (4) partner with civil responders and friendly
24 foreign militaries.

1 (c) DEFENSE TRANSFERS.—In order to accomplish
2 the purposes of this section, the President is authorized
3 to make available to Taiwan defense articles and defense
4 services, including the following:

5 (1) Air and air defense capabilities, including—

6 (A) low-cost, survivable sensors;

7 (B) command and control systems;

8 (C) modern surface to air missiles;

9 (D) upgrades to existing modern combat
10 aircraft as well as new combat aircraft, includ-
11 ing Vertical and Short Take-Off and Landing
12 Aircraft (V/STOL);

13 (E) radar, electronic warfare, and jamming
14 capabilities;

15 (F) passive defense measures (such as re-
16 dundancy, dispersal, camouflage/deception,
17 hardening, and rapid repair capabilities); and

18 (G) access to satellites for remote sensing
19 and communication.

20 (2) Maritime capabilities, including—

21 (A) additional sensor capacity for com-
22 prehensive maritime domain awareness;

23 (B) cost-effective submarines for anti-sur-
24 face, anti-submarine warfare, and other mis-
25 sions;

1 (C) mines and mine countermeasure ves-
2 sels; and

3 (D) anti-ship cruise missiles.

4 (3) Ground capabilities, including—

5 (A) layered, short-range air defense;

6 (B) critical infrastructure protection to en-
7 sure continuity of government;

8 (C) air mobility;

9 (D) unmanned air vehicles; and

10 (E) accurate, GPS-guided short-range
11 rockets.

12 (4) Capacity for partnership with friendly for-
13 eign militaries, including—

14 (A) command, control, communications,
15 computers, intelligence, surveillance, and recon-
16 naissance situational awareness systems;

17 (B) enhanced doctrine exchange; and

18 (C) enhanced senior-level training.

19 (d) **RULE OF CONSTRUCTION RELATING TO ARMS**
20 **EXPORT CONTROL ACT.**—Nothing in this section shall be
21 construed to supersede or modify section 36 of the Arms
22 Export Control Act (22 U.S.C. 2776).

23 **SEC. 202. ADVANCED COMBAT AIRCRAFT FOR TAIWAN.**

24 (a) **STATEMENT OF POLICY.**—Notwithstanding the
25 upgrade of Taiwan’s F-16 A/B aircraft, Taiwan will expe-

1 rience a growing shortfall in fighter aircraft, particularly
2 as its F-5 aircraft are retired from service.

3 (b) **AUTHORITY TO ACCEPT LETTER OF REQUEST.**—
4 Pursuant to the foreign military sales program authorized
5 by the Arms Export Control Act, the President is author-
6 ized to accept a letter of request from Taiwan for price
7 and availability data or for a formal sales offer with re-
8 spect to the F-16C/D Fighting Falcon multirole fighter
9 aircraft or other aircraft of similar capability, as may be
10 necessary to enable Taiwan to maintain a sufficient self-
11 defense capability.

12 **SEC. 203. CONSULTATIONS ON TAIWAN ARMS SALES.**

13 (a) **BRIEFINGS.**—Not later than 90 days after the
14 date of the enactment of this Act and at least annually
15 thereafter, the Secretary of State, in consultation with the
16 Secretary of Defense, shall provide detailed briefings to
17 Congress on—

18 (1) any discussions on security matters con-
19 ducted between any executive branch agency and the
20 Government of Taiwan during a covered period; and

21 (2) any potential transfer to the Government of
22 Taiwan of defense articles or defense services, in-
23 cluding routine upgrades to or replacements of de-
24 fense articles previously transferred by the United
25 States to the Government of Taiwan.

1 (b) DEFINITIONS.—In this section and section 201:

2 (1) COVERED PERIOD.—The term “covered pe-
3 riod” means, with respect to—

4 (A) the initial briefing required under sub-
5 section (a), the period beginning on the date of
6 the enactment of this Act and ending on the
7 date of such initial briefing; and

8 (B) subsequent briefings required under
9 such subsection, the period beginning on the
10 day after the date of the most recent briefing
11 and ending on the date of any such subsequent
12 briefing.

13 (2) EXECUTIVE BRANCH AGENCY.—The term
14 “executive branch agency” has the meaning given
15 the term “agency” in section 551(1) of title 5,
16 United States Code.

17 (3) DEFENSE ARTICLE.—The term “defense ar-
18 ticle” has the meaning given such term in section 47
19 of the Arms Export Control Act (22 U.S.C. 2794).

20 (4) DEFENSE SERVICE.—The term “defense
21 service” has the meaning given such term in section
22 47 of the Arms Export Control Act (22 U.S.C.
23 2794).

1 **SEC. 204. ANNUAL REPORT ON DEFENSE TRANSFERS TO**
2 **TAIWAN.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of the enactment of this Act and annually thereafter,
5 the President shall transmit to Congress a report—

6 (1) detailing each of Taiwan’s requests for pur-
7 chase of defense articles and defense services during
8 the immediately preceding one-year period, whether
9 submitted through a letter of request (LOR) or con-
10 veyed by other authoritative means, except that the
11 first report under this section shall cover the period
12 2006 through 2012;

13 (2) describing the defense needs asserted by
14 Taiwan as justification for such requests;

15 (3) describing the decisionmaking process used
16 to reject, postpone, or modify any such request, in-
17 cluding—

18 (A) with respect to significant military
19 equipment, the country team assessment and
20 recommendation as to whether the United
21 States should sell such equipment; and

22 (B) for each request, the elapse of time be-
23 tween the submission of such request and the
24 completion of the interagency review process by
25 the United States; and

1 (4) detailing those defense articles and defense
2 services listed in the Arms Sale Proposal described
3 in section 25 of the Arms Export Control Act (22
4 U.S.C. 2765), including a description of the ration-
5 ale for including or not including in such Proposal,
6 as the case may be, all sales and licensed exports to
7 Taiwan under such Act of major weapons or weap-
8 ons-related defense equipment for \$7,000,000 or
9 more, and the extent to which a decision to not in-
10 clude in such Proposal such sales to Taiwan is con-
11 sistent with such section.

12 (b) FORM.—The report required under subsection (a)
13 shall be submitted in unclassified form, but may contain
14 a classified annex if necessary.

15 **SEC. 205. REPORT ON IMPLEMENTATION OF TAIWAN RELA-**
16 **TIONS ACT.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the President shall sub-
19 mit to Congress a report on implementation of United
20 States security policy under the Taiwan Relations Act.

21 (b) MATTERS TO BE INCLUDED.—The report re-
22 quired under subsection (a) shall include, at a minimum,
23 the following:

24 (1) A review of the operational planning, policy
25 reviews, and other preparations of the United States

1 since 2000 to implement section 2(b)(6) and sub-
2 sections (a), (b), and (c) of section 3 of the Taiwan
3 Relations Act, including the extent to which the
4 United States retains the capacity to resist any re-
5 sort to force or other forms of coercion that would
6 jeopardize the security, or the social or economic
7 system, of the people of Taiwan. Such review shall
8 take into account whether Taiwan's air and air de-
9 fense forces retain the ability to effectively defend
10 Taiwan against China's ballistic missile and air
11 threats, and the extent to which the absence of cred-
12 ible Taiwanese air defense forces may complicate the
13 ability of the United States to resist any resort to
14 force that jeopardizes the security of Taiwan.

15 (2) An evaluation of all gaps in relevant knowl-
16 edge about the capabilities and intentions of the
17 People's Republic of China as such capabilities and
18 intentions might affect the current and future mili-
19 tary balance between Taiwan and China, such as
20 anti-access and area denial capabilities as well as
21 anti-satellite and space warfare developments, in-
22 cluding both classified United States intelligence in-
23 formation and Chinese open source writing.

1 (c) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form, but may contain
3 a classified annex if necessary.

4 **SEC. 206. NAVAL VESSEL TRANSFER AUTHORITY.**

5 (a) TRANSFER BY SALE.—The President is author-
6 ized to transfer the OLIVER HAZARD PERRY class
7 guided missile frigates USS TAYLOR (FFG-50), USS
8 GARY (FFG-51), USS CARR (FFG-52), and USS
9 ELROD (FFG-55) to the Taipei Economic and Cultural
10 Representative Office of the United States (which is the
11 Taiwan instrumentality designated pursuant to section
12 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)))
13 on a sale basis under section 21 of the Arms Export Con-
14 trol Act (22 U.S.C. 2761).

15 (b) COSTS OF TRANSFERS.—Any expense incurred by
16 the United States in connection with a transfer authorized
17 by this section shall be charged to the recipient notwith-
18 standing section 516(e) of the Foreign Assistance Act of
19 1961 (22 U.S.C. 2321j(e)).

20 (c) REPAIR AND REFURBISHMENT IN UNITED
21 STATES SHIPYARDS.—To the maximum extent prac-
22 ticable, the President shall require, as a condition of the
23 transfer of a vessel under this section, that the recipient
24 to which the vessel is transferred have such repair or re-
25 furbishment of the vessel as is needed, before the vessel

1 joins the naval forces of that recipient, performed at a
2 shipyard located in the United States, including a United
3 States Navy shipyard.

4 (d) EXPIRATION OF AUTHORITY.—The authority to
5 transfer a vessel under this section shall expire at the end
6 of the 3-year period beginning on the date of the enact-
7 ment of this Act.

8 **TITLE III—ECONOMIC AND**
9 **TRADE RELATIONS**

10 **SEC. 301. TRADE AND INVESTMENT FRAMEWORK AGREE-**
11 **MENT.**

12 It is the sense of Congress that the United States
13 Trade Representative should seek to fully utilize Trade
14 and Investment Framework Agreement (TIFA) talks with
15 Taiwan to address outstanding issues and restore con-
16 fidence in Taiwan's commitment to nondiscriminatory
17 treatment of United States exports.

18 **SEC. 302. FREE TRADE AGREEMENT.**

19 It is the sense of Congress that at an appropriate
20 time the United States should seek the negotiation of a
21 free trade agreement with Taiwan. As building blocks to-
22 ward that goal, the United States should study the feasi-
23 bility of negotiating with Taiwan a bilateral—

24 (1) investment agreement; and

49

23

1 (2) tax agreement.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 419
OFFERED BY MR. GRAYSON OF FLORIDA**

In section 2(5), strike "United States-Taiwan relations have suffered from inattention and lack of strategic vision, thereby requiring the Congress to both" and inserting "Congress desires to both".



Chairman ROYCE. And after recognizing myself and the ranking member for brief remarks, I will be glad to recognize any other member seeking recognition to speak on this particular bill.

As a strong supporter of U.S.-Taiwan relations and a cosponsor of this legislation, I would like to begin by expressing my appreciation to our chairman emeritus for authoring this good work. Taiwan, as you know, shares many common values with the United States, and earlier this year the ranking member and I traveled to Taiwan with a bipartisan delegation and discussed many of the issues that are addressed in this particular bill.

Our relationship between this country and Taiwan is a cornerstone of U.S. foreign policy in the region, and this bill bolsters the U.S.-Taiwan diplomatic relationship and helps to ensure that Taiwan will be able to defend itself by authorizing the transfer of defensive military equipment.

There is no better indicator of strong relations between countries than flourishing trade. The Taiwan Policy Act recognizes this by calling on the United States Trade Representative to quickly conclude the ongoing Trade and Investment Framework Agreement,

the TIFA negotiations, with Taiwan and to begin negotiations on a bilateral free trade agreement with the country.

Last month the President signed legislation passed by this committee to bolster Taiwan's participation in the International Civil Aviation Organization. This bill is another positive step in our relationship, and I urge my colleagues to support the Taiwan Policy Act.

And I now recognize the ranking member for his opening remarks.

Mr. ENGEL. Thank you very much, Mr. Chairman.

As you mentioned, you and I both traveled to Taiwan earlier this year, and I have always been bullish on the U.S.-Taiwan relationship. I have always been amazed at what the people of Taiwan have been able to accomplish. Their economy is something like 18th in the world on a small, little island. And they have been good allies and friends of the United States, and I think that we should continue to do everything that we can do to strengthen them and make the relationship between the U.S. and Taiwan stronger than ever.

This Taiwan Policy Act of 2013 is introduced by our colleague, Representative Ileana Ros-Lehtinen, and I support it wholeheartedly. It is intended to update and strengthen certain aspects of the U.S.-Taiwan relationship. It includes a provision that would allow senior leaders of Taiwan to visit the United States, and not just on so-called transit stops on the way to other countries. It is time that every Taiwanese official is accorded the respect that they deserve, and I feel very, very strongly about that.

The legislation also maintains strong U.S. support for Taiwan's meaningful participation in international organizations like the World Health Organization and the International Civil Aviation Organization.

And finally the bill authorizes the President to make available to Taiwan a wide range of defense items and services in accordance with the Taiwan Relations Act, which governs relations between the United States and Taiwan. By strengthening Taiwan's self-defense capability, the United States can help it to deter and defend against any possible attack.

Make no mistake about it, everyone should know that the U.S.-Taiwan relationship is unbreakable, and this legislation helps to cement that. This bipartisan legislation reinforces America's strong support for Taiwan and the Taiwanese people, and I urge my colleagues to support it.

I yield back.

Chairman ROYCE. Thank you.

I think our Congresswoman Ros-Lehtinen wanted to speak for a moment on this measure.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I would like to thank you and our esteemed ranking member for bringing up H.R. 419, the Taiwan Policy Act, to mark up this morning.

I would also like to thank the cochairs of the Congressional Taiwan Caucus; our Foreign Affairs colleague, Albio Sires and, as well as, Gerry Connolly; and Mario Diaz-Balart and John Carter for their full support and in joining me in introducing this bill.

Taiwan is an important ally and friend of the United States and should be treated as such. Our relations with Taiwan are stronger than ever, yet Taiwan faces a precarious situation as North Korea remains unpredictable, and China continues to ramp up its military presence in the region and pursue antagonistic policies in the Taiwan Strait and South China Sea. This bill sends our Taiwanese allies an important message. It shows them that the United States Congress deeply values our friendship with them, and that we will stand by their side in the face of Chinese aggression.

This bill would further strengthen our relations by finally permitting senior Taiwanese leaders to meet with U.S. officials in all executive branches. Imagine that. It will also authorize the sale of much-needed F-16C/D fighter aircraft to the Armed Forces of Taiwan. China has been increasing its military spending at an alarming rate. We must not allow Taiwan's defense capabilities to lag behind. So in an effort to not have that happen, this bill also authorizes the transfer of decommissioned class guided missile frigates to Taiwan.

Mr. Chairman and Mr. Ranking Member, this bipartisan bill is not only good for our national interest, but it sends an important message to Taiwan that we value her friendship and will continue to stand by her side.

I thank the gentleman for your consideration.

Chairman ROYCE. Thank you.

Do any other members wish to speak on this particular amendment?

Mr. CHABOT. Mr. Chairman.

Chairman ROYCE. We will go to this side and Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you, you and also our senior ranking member, for not only your support, but for your leadership and endorsement of this proposed legislation.

I particularly want to thank also the chairman of our subcommittee. Chairman Chabot and I, we also recently had the privilege of visiting Taiwan and visiting and meeting with President Ma and some of the high officials there of their government, and wanted to reassure them of our absolute support and our bilateral relationship.

I think we need to be reminded of the fact that Taiwan was the most critical issue which led to President Nixon's historical visit in 1972, changing liberty, the whole course of history in terms of our relationship then with the two powerful countries of the Soviet Union as well as China.

I think it is important to note also that Congress passing the Taiwan Relations Act of 1979 was very, very critical. It is the chief cornerstone of our entire bilateral relationship with Taiwan, dealing both with economic as well as security issues.

And I wanted just to note also that recently we had the—I had the privilege of introducing the South China Seas resolution and wanted to give notice to our friends of the People's Republic of China about our concerns in what is happening in that region. We all know the threats and the fact that some 1,600 ballistic missiles are pointed from China toward Taiwan, and in terms of our concerns in making sure that Taiwan is given whatever capabilities as

far as military efforts to defend itself against enemies, that it is just as well also our responsibility.

I think we need to be reminded that Taiwan is a beacon of democracy, a classic example where countries in this important region of the world need to look at the example that the people of Taiwan are able to live as a free people and in a way that their elections and everything are second to none in terms of the freedoms that they enjoy.

And with that, Mr. Chairman, again, I want to really commend the gentlelady from Florida for her leadership, her initiative, and her passion in support of the people and the leaders of Taiwan, and I want to assure her of my absolute support of this proposed amendment in the form of a substitute, and I ask that our colleagues support this legislation, and I yield back.

Chairman ROYCE. Thank you.

I believe Mr. Chabot wanted to speak, chairman of the Asia Subcommittee, and I think he conducted the markup at subcommittee level on this legislation.

Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman.

I want to thank Mr. Faleomavaega. As he indicated, we traveled to Taiwan earlier this year and it was a very productive trip. We have had a tremendous working relationship, and I thank him for that. As he mentioned, we did have the opportunity to meet with President Ma. We also met with former President Chen and we certainly hope the issue is resolved sometime in the very near future.

I strongly support the Taiwan Policy Act and I commend Chairman Ros-Lehtinen for her hard work on this issue. I am not going to repeat everything that I said during our Asia Subcommittee markup, but I do want to recognize the strong relationship, as has already been indicated here, between the United States and Taiwan. Taiwan is a democracy. It is a loyal friend and ally of the United States and it deserves to be treated as such by the United States Government.

The legislation before us this morning addresses a number of important issues and in the interest of time, I will highlight just a couple. First, the Taiwan Policy Act would authorize an arms sale package that is long overdue, a package including, as Ms. Ros-Lehtinen indicated, the F-16C/D, which would provide a very important security blanket to Taiwan as it faces potential aggression from the PRC.

The legislation also addresses an issue that I have been speaking out about for many years now—the issue of high-level visits by high-ranking Taiwanese officials. Our current policy is insulting to our Taiwanese friends and it sends the wrong message to all our allies. A change in U.S. policy is long overdue, and this legislation moves us toward that goal.

Some years ago when President Chen visited the United States, about 25 Members of this body, after votes on a Monday evening, flew up to New York City to meet with the President because he couldn't come to Washington, DC. It makes absolutely no sense. On another occasion I visited with the Foreign Minister when he was a member of the Legislature here in Washington. He was ap-

pointed Foreign Minister about 3 weeks later and I had to go to Baltimore to visit with him because he could no longer come to Washington, DC, even though he had a home on the outskirts of Washington.

It makes absolutely no sense, and it ought to be changed. It is long overdue and I appreciate Ms. Ros-Lehtinen addressing this in the legislation. I yield back the balance of my time.

Chairman ROYCE. Mr. Ted Deutch.

Mr. DEUTCH. Thank you, Mr. Chairman.

Thank you to Chairman Emeritus Ros-Lehtinen for this legislation that reaffirms the special relationship between the United States and Taiwan. Since Congress first passed the Taiwan Relations Act in 1979, there has been overwhelming support for the strategic and economic relationship between our two countries. Taiwan is the United States' eighth largest trading partner with trade totaling \$60 billion annually.

Taiwan has provided a reliable partner and ally for the United States in the Pacific, but as we confront various regional challenges and changing dynamics, this is a relationship that needs a long-term strategic vision. The United States will continue to support Taiwan's strategic needs, and I hope that in time we will see the delivery of the F-16C/Ds to Taiwan.

There is no doubt this island nation plays a vital role in the world's economy and deserves a place in the international community. Taiwan's ability to participate in the international fora is consistently hindered, and the United States must continue to work to ensure that Taiwan receives observer status in various U.N. bodies like the International Aviation Organization and the World Health Organization.

Perhaps most importantly, we will continue to support—we will continue to cement the strong and vibrant relationship between the American people and the people of Taiwan.

Thank you, Mr. Chairman, and I yield back.

Chairman ROYCE. Mr. Matt Salmon of Arizona.

Mr. SALMON. Thank you, Mr. Chairman.

From 1977 to 1979, I was privileged to be a missionary for my church in Taiwan, and I lived in the southern part of the country. I learned the Chinese language, and I learned that the people of Taiwan are a freedom-loving people, hard-working people that feel very, very strongly about their relationship with the United States. In fact, many, many times they mentioned to me how welcome I was, being from Arizona, because Barry Goldwater, who was our Senator at the time, was referred to as "Mr. Taiwan" because of his immense support for Taiwan.

I was also there in 1979, living there, when Jimmy Carter normalized relations with China and severed diplomatic ties with Taiwan, and I have got to tell you, a lot of those folks were very dispirited, and they felt like at that time maybe the United States was walking back from its friendship and its commitment to one of the strongest allies that we have had, probably next to Israel the strongest ally that the United States has had. And we shared with them that that doesn't do anything to diminish the strength and the commitment of the United States, and they were patient, they stayed with us.

Then came the Taiwan Relations Act that very, very strongly said that we would stand by Taiwan, and if a crisis happened in that region of the world, that we would stand by them as strong allies, as we always have done.

Fast forward a little bit, and I was privileged to be there at the swearing-in of Lee Teng-Hui. He was the first freely elected President from that region of the world in I don't know how many decades, but what a wonderful experience that was. And as I watched that budding democracy unfold in Taiwan, it couldn't help but bring tears to my eyes, but joy to my heart to see them, like we did over 200 years ago, try a new experiment, a new way of doing things.

As I watch what is going on in Taiwan, and I see their continued love of freedom, and I watch as we on this panel express all the time that this relationship with Taiwan is one that will stand the test of time, it makes me feel really good.

I think about the future of the eastern part of the Hemisphere, and I think that Taiwan is a wonderful example, I believe, for the rest of that region to follow. Ultimately, I believe in our lifetime, Mr. Chairman, they will lead the way to big, big reforms, I believe, on Mainland China. Mainland China has accepted economic freedom, but I think that, as we all realize, economic freedom just is the precursor to the other liberties and the freedoms we enjoy, and I believe that if we stand by Taiwan, and we keep them strong, ultimately it is going to not just be to the U.S.'s advantage, but to the entire world's advantage.

And I want to let the entire world know, but especially Taiwan, I would like to be considered one of their best friends as you, Mr. Chairman, and Ileana Ros-Lehtinen, and Mr. Rohrabacher, and many on this panel. I want to express my undying support for that wonderful democracy, and I am proud to be a cosponsor of this legislation, and I enthusiastically support what we are doing today.

And I yield back the balance of my time.

Chairman ROYCE. Thank you, Mr. Salmon.

We go to Mr. Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman.

Mr. Chairman, I am also proud to cosponsor this legislation, and I thank you and the ranking member for bringing it up this morning. I am also proud to serve as the cochair of the Taiwan Caucus here in Congress. I have had the privilege—I didn't go there for my church, Mr. Salmon, but I have been to Taiwan 23 times. I started out originally as an Eisenhower fellow back in 1988 and have seen enormous progress in Taiwan, including democratization, inclusivity in terms of political participation, freedom of thought, freedom to organize and the like, and it is very heartening. And I hope it serves as a model for its big neighbor in the mainland.

What is important, it seems to me, in this relationship is that the United States be clear and steadfast in the signals and actions it takes with respect to the defense of Taiwan and our commitment to the Taiwan Straits. Whatever happens in that part of the world must be done peacefully and consensually, and it will not be done by force, and the United States is prepared to keep that commitment pursuant to the Taiwan Relations Act and its long-standing commitment to the people of Taiwan. I think that is really a very

important message, and I think that message is reaffirmed with the legislation we are adopting today.

So, again, I thank you, and I yield back the balance of my time. Chairman ROYCE. Any other members seeking recognition?

Well, hearing no further requests for recognition, are there any amendments to the base text?

Hearing no further amendments, the question occurs on agreeing to the base text; namely, the Ros-Lehtinen amendment in the nature of a substitute, as amended.

All those in favor, signify by saying aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it, the base text is agreed to, and, without objection, the underlying bill, H.R. 419, as amended, is agreed to, is ordered favorably reported, and will be reported as a single amendment in the nature of a substitute. Also without objection, the staff is directed to make technical and conforming changes, and the Chairman is authorized to seek House consideration of this measure under suspension of the rules.

Moving on, the Chair now calls up the bill H.R. 2848, the Department of State Operations and Embassy Security Act for Fiscal Year 2014. Without objection, the bill is considered read and open for amendment at any point.

As all officers were previously notified, I will now call up the bipartisan manager's en bloc, and then we will recognize first myself and then the ranking member and any other members wishing to speak on the bill or to speak on the en bloc components of the measure.

Without objection, the following amendments previously provided to all members and which you have in front of you will be considered en bloc: Keating amendment number 8, Cicilline amendment 23, McCaul amendment 30, Marino amendment 27, Stockman amendment 8, Smith amendment 33, the amendment to section 103 offered by Mr. Cicilline and Ms. Bass, amendment 18 offered by Mr. Perry and Ms. Meng, the Grayson amendment 197, Duncan amendment 23, the Royce amendment 49.

[The information referred to follows:]

113TH CONGRESS
1ST SESSION

H. R. 2848

To authorize appropriations for the Department of State for fiscal year 2014, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2013

Mr. ROYCE (for himself and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize appropriations for the Department of State for fiscal year 2014, 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.**

4 This Act may be cited as the “Department of State
5 Operations and Embassy Security Authorization Act, Fis-
6 cal Year 2014”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Administration of foreign affairs.
- Sec. 102. Contributions to international organizations.
- Sec. 103. Contributions for international peacekeeping activities.
- Sec. 104. International commissions.
- Sec. 105. National Endowment for Democracy.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 201. Recouping costs of international dispute arbitration.
- Sec. 202. Foreign Service Act of 1980.
- Sec. 203. Center for strategic counterterrorism communications of the Department of State.
- Sec. 204. Anti-piracy information sharing.

Subtitle B—Consular Services and Related Matters

- Sec. 211. Extension of authority to assess passport surcharge.
- Sec. 212. Border crossing card fee for minors.

Subtitle C—Reporting Requirements

- Sec. 221. Reporting reform.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

- Sec. 301. Suspension of foreign service members without pay.
- Sec. 302. Repeal of recertification requirement for senior foreign service.
- Sec. 303. Limited appointments in the foreign service.
- Sec. 304. Limitation of compensatory time off for travel.
- Sec. 305. Department of State organization.
- Sec. 306. Overseas comparability pay limitation.

TITLE IV—EMBASSY SECURITY AND PERSONNEL PROTECTION

Subtitle A—Review and Planning Requirements

- Sec. 411. Designation of high risk, high threat posts and working groups.
- Sec. 412. Contingency plans for high risk, high threat posts.
- Sec. 413. Strategic review of Bureau of Diplomatic Security.

Subtitle B—Physical Security and Personnel Requirements

- Sec. 421. Capital security cost sharing program.
- Sec. 422. Local guard contracts abroad under diplomatic security program.
- Sec. 423. Transfer authority.
- Sec. 424. Security enhancements for soft targets.
- Sec. 425. Reemployment of annuitants.
- Sec. 426. Sense of Congress regarding minimum security standards for temporary United States diplomatic and consular posts.
- Sec. 427. Assignment of personnel at high risk, high threat posts.

Subtitle C—Security Training

- Sec. 431. Security training for personnel assigned to high risk, high threat posts.
- Sec. 432. Report to Congress.

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

Sec. 441. Marine Corps Security Guard Program.

1 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
2 **FINED.**

3 Except as otherwise provided in this Act, the term
4 “appropriate congressional committees” means the Com-
5 mittee on Foreign Affairs of the House of Representatives
6 and the Committee on Foreign Relations of the Senate.

7 **TITLE I—AUTHORIZATION OF**
8 **APPROPRIATIONS**

9 **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

10 The following amounts are authorized to be appro-
11 priated for the Department of State under “Administra-
12 tion of Foreign Affairs” to carry out the authorities, func-
13 tions, duties, and responsibilities in the conduct of foreign
14 affairs of the United States, and for other purposes au-
15 thorized by law:

16 (1) **DIPLOMATIC AND CONSULAR PROGRAMS.—**

17 For “Diplomatic and Consular Programs”,
18 \$8,481,854,000 for fiscal year 2014.

19 (A) **BUREAU OF DEMOCRACY, HUMAN**
20 **RIGHTS, AND LABOR.—**Of such amounts, not
21 less than \$26,839,000 for fiscal year 2014 is
22 authorized to be appropriated for the Bureau of
23 Democracy, Human Rights and Labor.

1 (B) WORLDWIDE SECURITY PROTEC-
2 TION.—Of such amounts, not less than
3 \$2,182,135,000 for fiscal year 2014 is author-
4 ized to be appropriated for worldwide security
5 protection.

6 (2) CAPITAL INVESTMENT FUND.—For “Cap-
7 ital Investment Fund”, \$76,900,000 for fiscal year
8 2014.

9 (3) EDUCATIONAL AND CULTURAL EXCHANGE
10 PROGRAMS.—For “Educational and Cultural Ex-
11 change Programs”, \$535,000,000 for fiscal year
12 2014.

13 (4) CONFLICT STABILIZATION OPERATIONS.—

14 (A) IN GENERAL.—For “Conflict Stabiliza-
15 tion Operations”, \$45,207,000 for fiscal year
16 2014.

17 (B) TRANSFER.—Subject to subparagraph
18 (C) of this paragraph, of the amount authorized
19 to be appropriated pursuant to paragraph (1),
20 up to \$35,000,000 is authorized to be trans-
21 ferred to, and merged with, the amount speci-
22 fied in subparagraph (A) of this paragraph.

23 (C) NOTIFICATION.—If the Secretary of
24 State exercises the transfer authority described
25 in subparagraph (B), the Secretary shall notify

1 the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of
3 Representatives and the Committee on Foreign
4 Relations and the Committee on Appropriations
5 of the Senate.

6 (5) REPRESENTATION ALLOWANCES.—For
7 “Representation Allowances”, \$6,933,000 for fiscal
8 year 2014.

9 (6) PROTECTION OF FOREIGN MISSIONS AND
10 OFFICIALS.—For “Protection of Foreign Missions
11 and Officials”, \$27,750,000 for fiscal year 2014.

12 (7) EMERGENCIES IN THE DIPLOMATIC AND
13 CONSULAR SERVICE.—For “Emergencies in the Dip-
14 lomatic and Consular Service”, \$9,073,000 for fiscal
15 year 2014.

16 (8) REPATRIATION LOANS.—For “Repatriation
17 Loans”, \$1,374,000 for fiscal year 2014.

18 (9) PAYMENT TO THE AMERICAN INSTITUTE IN
19 TAIWAN.—

20 (A) IN GENERAL.—For “Payment to the
21 American Institute in Taiwan”, \$21,778,000
22 for fiscal year 2014.

23 (B) TRANSFER.—Subject to subparagraph
24 (C) of this paragraph, of the amount authorized
25 to be appropriated pursuant to paragraph (1),

1 up to \$15,300,000 is authorized to be trans-
2 ferred to, and merged with, the amount speci-
3 fied in subparagraph (A) of this paragraph.

4 (C) NOTIFICATION.—If the Secretary of
5 State exercises the transfer authority described
6 in subparagraph (B), the Secretary shall notify
7 the Committee on Foreign Affairs and the
8 Committee on Appropriations of the House of
9 Representatives and the Committee on Foreign
10 Relations and the Committee on Appropriations
11 of the Senate.

12 (10) OFFICE OF THE INSPECTOR GENERAL.—
13 For “Office of the Inspector General”,
14 \$119,056,000 for fiscal year 2014, including for the
15 Special Inspector General for Iraq Reconstruction
16 and the Special Inspector General for Afghanistan
17 Reconstruction, notwithstanding section 209(a)(1) of
18 the Foreign Service Act of 1980 (22 U.S.C.
19 3929(a)(1)) as such section relates to the inspection
20 of the administration of activities and operations of
21 each Foreign Service post.

22 (11) INTERNATIONAL CHANCERY CENTER.—
23 For “International Chancery Center (ICC)”,
24 \$5,450,000 for fiscal year 2014.

1 (12) EMBASSY SECURITY, CONSTRUCTION AND
2 MAINTENANCE.—For “Embassy Security, Construc-
3 tion and Maintenance”, \$2,649,351,000 for fiscal
4 year 2014.

5 **SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
6 **TIONS.**

7 There are authorized to be appropriated for “Con-
8 tributions to International Organizations”,
9 \$1,400,000,000 for fiscal year 2014, for the Department
10 of State to carry out the authorities, functions, duties, and
11 responsibilities in the conduct of the foreign affairs of the
12 United States with respect to international organizations
13 and to carry out other authorities in law consistent with
14 such purposes.

15 **SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACE-**
16 **KEEPING ACTIVITIES.**

17 There are authorized to be appropriated for “Con-
18 tributions for International Peacekeeping Activities”,
19 \$1,942,000,000 for fiscal year 2014 for the Department
20 of State to carry out the authorities, functions, duties, and
21 responsibilities of the United States with respect to inter-
22 national peacekeeping activities and to carry out other au-
23 thorities in law consistent with such purposes.

1 **SEC. 104. INTERNATIONAL COMMISSIONS.**

2 The following amounts are authorized to be appro-
3 priated under “International Commissions” for the De-
4 partment of State to carry out the authorities, functions,
5 duties, and responsibilities in the conduct of the foreign
6 affairs of the United States and for other purposes author-
7 ized by law:

8 (1) INTERNATIONAL BOUNDARY AND WATER
9 COMMISSION, UNITED STATES AND MEXICO.—For
10 “International Boundary and Water Commission,
11 United States and Mexico”—

12 (A) for “Salaries and Expenses”,
13 \$44,722,000 for fiscal year 2014; and

14 (B) for “Construction”, \$31,400,000 for
15 fiscal year 2014.

16 (2) INTERNATIONAL BOUNDARY COMMISSION,
17 UNITED STATES AND CANADA.—For “International
18 Boundary Commission, United States and Canada”,
19 \$2,449,000 for fiscal year 2014.

20 (3) INTERNATIONAL JOINT COMMISSION.—For
21 “International Joint Commission”, \$7,012,000 for
22 fiscal year 2014.

23 (4) INTERNATIONAL FISHERIES COMMISS-
24 SIONS.—For “International Fisheries Commissions”,
25 \$31,445,000 for fiscal year 2014.

1 (5) BORDER ENVIRONMENT COOPERATION COM-
2 MISSION.—For “Border Environment Cooperation
3 Commission”, \$2,386,000 for fiscal year 2014.

4 **SEC. 105. NATIONAL ENDOWMENT FOR DEMOCRACY.**

5 There are authorized to be appropriated for the “Na-
6 tional Endowment for Democracy” for authorized activi-
7 ties \$117,764,000 for fiscal year 2014.

8 **TITLE II—DEPARTMENT OF**
9 **STATE AUTHORITIES AND AC-**
10 **TIVITIES**

11 **Subtitle A—Basic Authorities and**
12 **Activities**

13 **SEC. 201. RECOUPING COSTS OF INTERNATIONAL DISPUTE**
14 **ARBITRATION.**

15 Paragraph (3) of section 38(d) of the State Depart-
16 ment Basic Authorities Act of 1956 (22 U.S.C. 2710(d))
17 is amended by striking “by the Department of State from
18 another agency of the United States Government or pur-
19 suant to” and inserting “by the Department of State as
20 a result of a decision of an international tribunal, from
21 another agency of the United States Government, or pur-
22 suant to”.

23 **SEC. 202. FOREIGN SERVICE ACT OF 1980.**

24 Section 501 of the Foreign Service Act of 1980 (22
25 U.S.C. 3981) is amended by inserting “If a position des-

1 ignated under this section is unfilled for more than one
2 single assignment cycle, such position shall be filled in ac-
3 cordance with section 303 or 309, as appropriate, of the
4 Foreign Service Act of 1980 (22 U.S.C. 3943 and 3949).”
5 after “Positions designated under this section are excepted
6 from the competitive service.”.

7 **SEC. 203. CENTER FOR STRATEGIC COUNTERTERRORISM**
8 **COMMUNICATIONS OF THE DEPARTMENT OF**
9 **STATE.**

10 (a) STATEMENT OF POLICY.—As articulated in Exce-
11 cutive Order 13584, issued on September 9, 2011, it is the
12 policy of the United States to actively counter the actions
13 and ideologies of al-Qa’ida, its affiliates and adherents,
14 other terrorist organizations, and violent extremists over-
15 seas that threaten the interests and national security of
16 the United States.

17 (b) ESTABLISHMENT OF CENTER FOR STRATEGIC
18 COUNTERTERRORISM COMMUNICATIONS.—There is au-
19 thorized to be established within the Department of State,
20 under the direction of the Secretary of State, the Center
21 for Strategic Counterterrorism Communications (in this
22 section referred to as the “CSCC”).

23 (c) MISSION.—The CSCC may coordinate, orient,
24 and inform Government-wide public communications ac-
25 tivities directed at audiences abroad and targeted against

1 violent extremists and terrorist organizations, especially
2 al-Qa'ida and its affiliates and adherents.

3 (d) COORDINATOR OF THE CENTER FOR STRATEGIC
4 COUNTERTERRORISM COMMUNICATIONS.—The head of
5 the CSCC should be the Coordinator. The Coordinator of
6 the CSCC should—

7 (1) report to the Under Secretary for Public
8 Diplomacy and Public Affairs; and

9 (2) collaborate with the Bureau of Counterter-
10 rorism of the Department of State, other Depart-
11 ment bureaus, and other United States Government
12 agencies.

13 (e) DUTIES.—The CSCC may—

14 (1) monitor and evaluate extremist narratives
15 and events abroad that are relevant to the develop-
16 ment of a United States strategic counterterrorism
17 narrative designed to counter violent extremism and
18 terrorism that threaten the interests and national
19 security of the United States;

20 (2) develop and promulgate for use throughout
21 the executive branch the United States strategic
22 counterterrorism narrative developed in accordance
23 with paragraph (1), and public communications
24 strategies to counter the messaging of violent ex-

1 tremists and terrorist organizations, especially al-
2 Qa'ida and its affiliates and adherents;

3 (3) identify current and emerging trends in ex-
4 tremist communications and communications by al-
5 Qa'ida and its affiliates and adherents in order to
6 coordinate and provide guidance to the United
7 States Government regarding how best to proactively
8 promote the United States strategic counterter-
9 rorism narrative developed in accordance with para-
10 graph (1) and related policies, and to respond to and
11 rebut extremist messaging and narratives when com-
12 municating to audiences outside the United States;

13 (4) facilitate the use of a wide range of commu-
14 nications technologies by sharing expertise and best
15 practices among United States Government and non-
16 Government sources;

17 (5) identify and request relevant information
18 from United States Government agencies, including
19 intelligence reporting, data, and analysis;

20 (6) identify shortfalls in United States capabili-
21 ties in any areas relevant to the CSCC's mission,
22 and recommend necessary enhancements or changes;
23 and

1 (7) establish measurable goals, performance
2 metrics, and monitoring and evaluation plans to
3 focus on learning, accountability, and policymaking.

4 (f) STEERING COMMITTEE.—

5 (1) IN GENERAL.—The Secretary of State may
6 establish a Steering Committee composed of senior
7 representatives of United States Government agen-
8 cies relevant to the CSCC’s mission to provide advice
9 to the Secretary on the operations and strategic ori-
10 entation of the CSCC and to ensure adequate sup-
11 port for the CSCC.

12 (2) MEETINGS.—The Steering Committee
13 should meet not less often than once every six
14 months.

15 (3) LEADERSHIP.—The Steering Committee
16 should be chaired by the Under Secretary of State
17 for Public Diplomacy. The Coordinator for Counter-
18 terrorism of the Department of State should serve
19 as Vice Chair. The Coordinator of the CSCC should
20 serve as Executive Secretary.

21 (4) COMPOSITION.—

22 (A) IN GENERAL.—The Steering Com-
23 mittee may include one senior representative
24 designated by the head of each of the following
25 agencies:

- 1 (i) The Department of Defense.
 - 2 (ii) The Department of Justice.
 - 3 (iii) The Department of Homeland
 - 4 Security.
 - 5 (iv) The Department of the Treasury.
 - 6 (v) The National Counterterrorism
 - 7 Center of the Office of the Director of Na-
 - 8 tional Intelligence.
 - 9 (vi) The Joint Chiefs of Staff.
 - 10 (vii) The Counterterrorism Center of
 - 11 the Central Intelligence Agency.
 - 12 (viii) The Broadcasting Board of Gov-
 - 13 ernors.
 - 14 (ix) The Agency for International De-
 - 15 velopment.
- 16 (B) ADDITIONAL REPRESENTATION.—Rep-
- 17 resentatives from United States Government
- 18 agencies not specified in subparagraph (A) may
- 19 be invited to participate in the Steering Com-
- 20 mittee at the discretion of the Chair.

21 **SEC. 204. ANTI-PIRACY INFORMATION SHARING.**

22 The Secretary of State is authorized to provide for

23 the participation by the United States in the Information

24 Sharing Centre located in Singapore, as established by the

1 Regional Cooperation Agreement on Combating Piracy
2 and Armed Robbery against Ships in Asia (ReCAAP).

3 **Subtitle B—Consular Services and**
4 **Related Matters**

5 **SEC. 211. EXTENSION OF AUTHORITY TO ASSESS PASSPORT**
6 **SURCHARGE.**

7 Paragraph (2) of section 1(b) of the Act of June 4,
8 1920 (41 Stat. 750; chapter 223; 22 U.S.C. 214(b)), is
9 amended by striking “2010” and inserting “2016”.

10 **SEC. 212. BORDER CROSSING CARD FEE FOR MINORS.**

11 Section 410(a)(1)(A) of the Department of State and
12 Related Agencies Appropriations Act, 1999 (contained in
13 division A of Public Law 105–277) is amended by striking
14 “a fee of \$13” and inserting “a fee equal to one-half the
15 fee that would otherwise apply for processing a machine
16 readable combined border crossing identification card and
17 nonimmigrant visa”.

18 **Subtitle C—Reporting**
19 **Requirements**

20 **SEC. 221. REPORTING REFORM.**

21 (a) IN GENERAL.—The following provisions of law
22 are repealed:

23 (1) Subsections (c)(4) and (c)(5) of section 601
24 of Public Law 96–465.

25 (2) Section 585 of Public Law 104–208.

1 (3) Subsections (b) and (c) of section 11 of
2 Public Law 107–245.

3 (4) Section 181 of Public Law 102–138.

4 (5) Section 1012(e) of Public Law 103–337.

5 (6) Section 527(f) of Public Law 103–236.

6 (7) Section 304(f) of Public Law 107–173.

7 (8) Section 4(b) of Public Law 79–264.

8 (9) Sections 3202 and 3204(f) of Public Law
9 106–246.

10 (b) CONFORMING AMENDMENT.—Section 11 of Pub-
11 lic Law 107–245 is amended by striking “(a) IN GEN-
12 ERAL.—”.

13 (c) REPORT ON UNITED STATES CONTRIBUTIONS TO
14 THE UNITED NATIONS.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act and annually
17 thereafter, the Director of the Office of Management
18 and Budget shall submit to Congress a report on all
19 assessed and voluntary contributions, including in-
20 kind, of the United States Government to the United
21 Nations and its affiliated agencies and related bodies
22 during the previous fiscal year.

23 (2) CONTENT.—Each report required under
24 subsection (a) shall include the following elements:

1 (A) The total amount of all assessed and
2 voluntary contributions, including in-kind, of
3 the United States Government to the United
4 Nations and its affiliated agencies and related
5 bodies during the previous fiscal year.

6 (B) The approximate percentage of United
7 States Government contributions to each
8 United Nations affiliated agency or related
9 body in such fiscal year when compared with all
10 contributions to each such agency or body from
11 any source in such fiscal year.

12 (C) For each such United States Govern-
13 ment contribution—

14 (i) the amount of the contribution;

15 (ii) a description of the contribution
16 (including whether assessed or voluntary);

17 (iii) the department or agency of the
18 United States Government responsible for
19 the contribution;

20 (iv) the purpose of the contribution;

21 and

22 (v) the United Nations or its affiliated
23 agency or related body receiving the con-
24 tribution.

1 (d) SCOPE OF INITIAL REPORT.—The first report re-
2 quired under subsection (a) shall include the information
3 required under this section for the previous three fiscal
4 years.

5 (e) PUBLIC AVAILABILITY OF INFORMATION.—Not
6 later than 14 days after submitting a report under sub-
7 section (a), the Director of the Office of Management and
8 Budget shall post a public version of such report on a text-
9 based, searchable, and publicly available Internet Web
10 site.

11 **TITLE III—ORGANIZATION AND** 12 **PERSONNEL AUTHORITIES**

13 **SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS** 14 **WITHOUT PAY.**

15 (a) SUSPENSION.—Section 610 of the Foreign Serv-
16 ice Act of 1980 (22 U.S.C. 4010) is amended by adding
17 at the end the following new subsection:

18 “(c)(1) In order to promote the efficiency of the Serv-
19 ice, the Secretary may suspend a member of the Foreign
20 Service without pay when the member’s security clearance
21 is suspended or when there is reasonable cause to believe
22 that the member has committed a crime for which a sen-
23 tence of imprisonment may be imposed.

1 “(2) Any member of the Foreign Service for whom
2 a suspension is proposed in accordance with paragraph (1)
3 shall be entitled to—

4 “(A) written notice stating the specific reasons
5 for the proposed suspension;

6 “(B) a reasonable time to respond orally and in
7 writing to the proposed suspension;

8 “(C) representation by an attorney or other
9 representative; and

10 “(D) a final written decision, including the spe-
11 cific reasons for such decision, as soon as prac-
12 ticable.

13 “(3) Any member suspended under this section may
14 file a grievance in accordance with the procedures applica-
15 ble to grievances under chapter 11.

16 “(4) In the case of a grievance filed under paragraph
17 (3)—

18 “(A) the review by the Foreign Service Griev-
19 ance Board shall be limited to a determination of
20 whether the provisions of paragraphs (1) and (2)
21 have been fulfilled; and

22 “(B) the Foreign Service Grievance Board may
23 not exercise the authority provided under section
24 1106(8).

25 “(5) In this subsection:

1 “(A) The term ‘reasonable time’ means—

2 “(i) with respect to a member of the For-
3 eign Service assigned to duty in the United
4 States, 15 days after receiving notice of the
5 proposed suspension; and

6 “(ii) with respect to a member of the For-
7 eign Service assigned to duty outside the
8 United States, 30 days after receiving notice of
9 the proposed suspension.

10 “(B) The term ‘suspend’ or ‘suspension’ means
11 the placing of a member of the Foreign Service in
12 a temporary status without duties and pay.”.

13 (b) CONFORMING AND CLERICAL AMENDMENTS.—

14 (1) AMENDMENT OF SECTION HEADING.—Sec-
15 tion 610 of the Foreign Service Act of 1980, as
16 amended by subsection (a) of this section, is further
17 amended, in the section heading, by inserting “;
18 SUSPENSION” before the period at the end.

19 (2) CLERICAL AMENDMENT.—The item relating
20 to section 610 in the table of contents in section 2
21 of the Foreign Service Act of 1980 is amended to
22 read as follows:

“Sec. 610. Separation for cause; suspension.”.

1 **SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT**
2 **FOR SENIOR FOREIGN SERVICE.**

3 Subsection (d) of section 305 of the Foreign Service
4 Act of 1980 (22 U.S.C. 3945) is repealed.

5 **SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
6 **ICE.**

7 Section 309 of the Foreign Service Act of 1980 (22
8 U.S.C. 3949) is amended—

9 (1) in subsection (a), by striking “subsection
10 (b)” and inserting “subsection (b) or (c)”;

11 (2) in subsection (b)—

12 (A) in paragraph (3)—

13 (i) by inserting “(A),” after “if”; and

14 (ii) by inserting before the semicolon
15 at the end the following: “, or (B), the ca-
16 reer candidate is serving in the uniformed
17 services, as defined by the Uniformed Serv-
18 ices Employment and Reemployment
19 Rights Act of 1994 (38 U.S.C. 4301 et
20 seq.), and the limited appointment expires
21 in the course of such service”;

22 (B) in paragraph (4), by striking “and” at
23 the end;

24 (C) in paragraph (5), by striking the pe-
25 riod at the end and inserting “; and”; and

1 (D) by adding after paragraph (5) the fol-
2 lowing new paragraph:

3 “(6) in exceptional circumstances where the
4 Secretary determines the needs of the Service re-
5 quire the extension of a limited appointment, (A),
6 for a period of time not to exceed 12 months (if
7 such period of time does not permit additional re-
8 view by boards under section 306), or (B), for the
9 minimum time needed to settle a grievance, claim, or
10 complaint not otherwise provided for in this sec-
11 tion.”; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(c) Non-career Foreign Service employees who have
15 served five consecutive years under a limited appointment
16 may be reappointed to a subsequent limited appointment
17 if there is a one year break in service between each such
18 appointment. The Secretary may in cases of special need
19 waive the requirement for a one year break in service.”.

20 **SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR**
21 **TRAVEL.**

22 Section 5550b of title 5, United States Code, is
23 amended by adding at the end the following new sub-
24 section:

1 “(c) The maximum amount of compensatory time off
2 earned under this section may not exceed 104 hours dur-
3 ing any leave year (as defined by regulations established
4 by the Office of Personnel Management).”.

5 **SEC. 305. DEPARTMENT OF STATE ORGANIZATION.**

6 The Secretary of State may, after consultation with
7 the appropriate congressional committees, transfer to such
8 other officials or offices of the Department of State as
9 the Secretary may determine from time to time any au-
10 thority, duty, or function assigned by statute to the Coor-
11 dinator for Counterterrorism, the Coordinator for Recon-
12 struction and Stabilization, or the Coordinator for Inter-
13 national Energy Affairs.

14 **SEC. 306. OVERSEAS COMPARABILITY PAY LIMITATION.**

15 (a) **IN GENERAL.**—Subject to the limitation de-
16 scribed in subsection (b), the authority provided by section
17 1113 of the Supplemental Appropriations Act, 2009 (Pub-
18 lic Law 111–32; 123 Stat. 1904), shall remain in effect
19 through September 30, 2014.

20 (b) **LIMITATION.**—The authority described in sub-
21 section (a) may not be used to pay an eligible member
22 of the Foreign Service (as defined in section 1113(b) of
23 the Supplemental Appropriations Act, 2009) a locality-
24 based comparability payment (stated as a percentage) that
25 exceeds two-thirds of the amount of the locality-based

1 comparability payment (stated as a percentage) that
2 would be payable to such member under section 5304 of
3 title 5, United States Code, if such member's official duty
4 station were in the District of Columbia.

5 **TITLE IV—EMBASSY SECURITY**
6 **AND PERSONNEL PROTECTION**
7 **Subtitle A—Review and Planning**
8 **Requirements**

9 **SEC. 411. DESIGNATION OF HIGH RISK, HIGH THREAT**
10 **POSTS AND WORKING GROUPS.**

11 (a) IN GENERAL.—Title I of the Omnibus Diplomatic
12 Security and Antiterrorism Act of 1986 (22 U.S.C. 4801
13 et seq.; relating to diplomatic security) is amended by in-
14 serting after section 103 the following new sections:

15 **“SEC. 104. DESIGNATION OF HIGH RISK, HIGH THREAT**
16 **POSTS.**

17 “(a) INITIAL DESIGNATION.—Not later than 30 days
18 after the date of the enactment of this section, the Sec-
19 retary shall submit to the appropriate congressional com-
20 mittees a report, in classified form, that contains an initial
21 list of diplomatic and consular posts designated as high
22 risk, high threat posts.

23 “(b) DESIGNATIONS BEFORE OPENING OR REOPEN-
24 ING POSTS.—Before opening or reopening a diplomatic or

1 consular post, the Secretary shall determine if such post
2 should be designated as a high risk, high threat post.

3 “(c) DESIGNATING EXISTING POSTS.—The Secretary
4 shall regularly review existing diplomatic and consular
5 posts to determine if any such post should be designated
6 as a high risk, high threat post if conditions at such post
7 or the surrounding security environment require such a
8 designation.

9 “(d) DEFINITIONS.—In this section and section 105:

10 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term ‘appropriate congressional com-
12 mittees’ means the Committee on Foreign Affairs of
13 the House of Representatives and the Committee on
14 Foreign Relations of the Senate.

15 “(2) HIGH RISK, HIGH THREAT POST.—The
16 term ‘high risk, high threat post’ means a United
17 States diplomatic or consular post, as determined by
18 the Secretary, that, among other factors, is—

19 “(A) located in a country—

20 “(i) with high to critical levels of po-
21 litical violence and terrorism; and

22 “(ii) the government of which lacks
23 the ability or willingness to provide ade-
24 quate security; and

1 “(B) with mission physical security plat-
2 forms that fall below the Department of State’s
3 established standards.

4 **“SEC. 105. WORKING GROUPS FOR HIGH RISK, HIGH**
5 **THREAT POSTS.**

6 “(a) ESTABLISHMENT.—Before opening or reopening
7 a high risk, high threat post, the Secretary shall establish
8 a working group that is responsible for the geographic
9 area in which such post is to be opened or reopened.

10 “(b) DUTIES.—The duties of the working group es-
11 tablished in accordance with subsection (a) shall include—

12 “(1) evaluating the importance and appro-
13 priateness of the objectives of the proposed post to
14 the national security of the United States, and the
15 type and level of security threats such post could en-
16 counter;

17 “(2) completing working plans to expedite the
18 approval and funding for establishing and operating
19 such post, implementing physical security measures,
20 providing necessary security and management per-
21 sonnel, and the provision of necessary equipment;

22 “(3) establishing security ‘tripwires’ that would
23 determine specific action, including enhanced secu-
24 rity measures or evacuation of such post, based on

1 the improvement or deterioration of the local secu-
2 rity environment; and

3 “(4) identifying and reporting any costs that
4 may be associated with opening or reopening such
5 post.

6 “(c) COMPOSITION.—The working group should be
7 composed of representatives of the—

8 “(1) appropriate regional bureau;

9 “(2) Bureau of Diplomatic Security;

10 “(3) Bureau of Overseas Building Operations;

11 “(4) Bureau of Intelligence and Research; and

12 “(5) other bureaus or offices as determined by
13 the Secretary.

14 “(d) CONGRESSIONAL NOTIFICATION.—Not less than
15 30 days before opening or reopening a high risk, high
16 threat post, the Secretary shall notify the appropriate con-
17 gressional committees in classified form of—

18 “(1) the decision to open or reopen such post;

19 and

20 “(2) the results of the working group under
21 subsection (b).”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents of the Omnibus Diplomatic Security and
24 Antiterrorism Act of 1986 is amended by inserting after
25 the item relating to section 103 the following new items:

“Sec. 104. Designation of high risk, high threat posts.

“Sec. 105. Working groups for high risk, high threat posts.”.

1 **SEC. 412. CONTINGENCY PLANS FOR HIGH RISK, HIGH**
2 **THREAT POSTS.**

3 Section 606(a) of the Secure Embassy Construction
4 and Counterterrorism Act of 1999 (22 U.S.C. 4865(a);
5 relating to diplomatic security) is amended—

6 (1) in paragraph (1)(A)—

7 (A) by inserting “and from complex at-
8 tacks (as such term is defined in section 416 of
9 the Omnibus Diplomatic Security and
10 Antiterrorism Act of 1986),” after “attacks
11 from vehicles”; and

12 (B) by inserting “or such a complex at-
13 tack” before the period at the end;

14 (2) in paragraph (7), by inserting before the pe-
15 riod at the end the following: “, including at high
16 risk, high threat posts (as such term is defined in
17 section 104 of the Omnibus Diplomatic Security and
18 Antiterrorism Act of 1986), including options for the
19 deployment of additional military personnel or equip-
20 ment to bolster security and rapid deployment of
21 armed or surveillance assets in response to an at-
22 tack”.

1 **SEC. 413. STRATEGIC REVIEW OF BUREAU OF DIPLOMATIC**
2 **SECURITY.**

3 (a) IN GENERAL.—The Secretary of State shall com-
4 plete a strategic review of the Bureau of Diplomatic Secu-
5 rity of the Department of State to ensure that the mission
6 and activities of the Bureau are fulfilling the current and
7 projected needs of the Department of State.

8 (b) CONTENTS OF REVIEW.—The strategic review de-
9 scribed in subsection (a) shall include assessments of—

10 (1) staffing needs for both domestic and inter-
11 national operations;

12 (2) facilities under chief of mission authority
13 adhering to security standards;

14 (3) security personnel with the necessary lan-
15 guage skills for assignment to overseas posts;

16 (4) programs being carried out by personnel
17 with the necessary experience and at commensurate
18 grade levels;

19 (5) necessary security training provided to per-
20 sonnel under chief of mission authority for expected
21 assignments and objectives;

22 (6) balancing security needs with an ability to
23 carry out the diplomatic mission of the Department
24 of State;

25 (7) the budgetary implications of balancing
26 multiple missions; and

1 (8) how to resolve any identified deficiencies in
2 the mission or activities of the Bureau.

3 **Subtitle B—Physical Security and**
4 **Personnel Requirements**

5 **SEC. 421. CAPITAL SECURITY COST SHARING PROGRAM.**

6 (a) SENSE OF CONGRESS ON THE CAPITAL SECURITY
7 COST SHARING PROGRAM.—It is the sense of Congress
8 that the Capital Security Cost Sharing Program should
9 prioritize the construction of new facilities and the mainte-
10 nance of existing facilities at high risk, high threat posts.

11 (b) RESTRICTION ON CONSTRUCTION OF OFFICE
12 SPACE.—Section 604(e)(2) of the Secure Embassy Con-
13 struction and Counterterrorism Act of 1999 (title VI of
14 division A of H.R. 3427, as enacted into law by section
15 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
16 453; 22 U.S.C. 4865 note) is amended by adding at the
17 end the following new sentence: “A project to construct
18 a diplomatic facility of the United States may not include
19 office space or other accommodations for an employee of
20 a Federal department or agency if the Secretary of State
21 determines that such department or agency has not pro-
22 vided to the Department of State the full amount of fund-
23 ing required by paragraph (1), except that such project
24 may include office space or other accommodations for
25 members of the United States Marine Corps.”.

1 **SEC. 422. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**
2 **LOMATIC SECURITY PROGRAM.**

3 (a) IN GENERAL.—Section 136 of the Foreign Rela-
4 tions Authorization Act, Fiscal Years 1990 and 1991 (22
5 U.S.C. 4864) is amended—

6 (1) in subsection (c)—

7 (A) in the matter preceding paragraph (1),
8 by striking “With respect” and inserting “Ex-
9 cept as provided in subsection (d), with re-
10 spect”; and

11 (B) in paragraph (3), by striking “sub-
12 section (d)” and inserting “subsection (e)”;

13 (2) by redesignating subsections (d), (e), (f),
14 and (g) as subsections (e), (f), (g), and (h), respec-
15 tively; and

16 (3) by inserting after subsection (c) the fol-
17 lowing new subsection:

18 “(d) AWARD OF LOCAL GUARD AND PROTECTIVE
19 SERVICE CONTRACTS FOR HIGH RISK, HIGH THREAT
20 POSTS.—With respect to any local guard contract for a
21 high risk, high threat post (as such term is defined in sec-
22 tion 104 of the Omnibus Diplomatic Security and
23 Antiterrorism Act of 1986) that is entered into after the
24 date of the enactment of this subsection, the Secretary of
25 State—

1 “(1) shall comply with paragraphs (1), (2), (4),
2 (5), and (6) of subsection (c) in the award of such
3 contract;

4 “(2) after evaluating proposals for such con-
5 tract, may award such contract to the firm rep-
6 resenting the best value to the Government in ac-
7 cordance with the best value tradeoff process de-
8 scribed in subpart 15.1 of the Federal Acquisition
9 Regulation (48 C.F.R. 6 15.101-1); and

10 “(3) shall ensure that contractor personnel
11 under such contract providing local guard or protec-
12 tive services are classified—

13 “(A) as employees of the contractor;

14 “(B) if the contractor is a joint venture, as
15 employees of one of the persons or parties con-
16 stituting the joint venture; or

17 “(C) as employees of a subcontractor to
18 the contractor, and not as independent contrac-
19 tors to the contractor or any other entity per-
20 forming under such contracts.”.

21 (b) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Secretary of State shall
23 submit to the appropriate congressional committees a re-
24 port that includes—

1 (1) an explanation of the implementation of
2 subsection (d) of section 136 of the Foreign Rela-
3 tions Authorization Act, Fiscal Years 1990 and
4 1991, as amended by subsection (a)(3) of this sec-
5 tion; and

6 (2) for each instance in which an award is
7 made pursuant to such subsection (d) of such sec-
8 tion 136, a written justification providing the basis
9 for such award and an explanation of the inability
10 to satisfy the needs of the Department of State by
11 technically acceptable, lowest price evaluation award.

12 **SEC. 423. TRANSFER AUTHORITY.**

13 Section 4 of the Foreign Service Buildings Act, 1926
14 (22 U.S.C. 295) is amended by adding at the end the fol-
15 lowing new subsections:

16 “(j) In addition to exercising any other transfer au-
17 thority available to the Secretary of State, and subject to
18 subsection (k), the Secretary may transfer to, and merge
19 with, any appropriation for embassy security, construc-
20 tion, and maintenance such amounts appropriated for any
21 other purpose related to the administration of foreign af-
22 fairs on or after October 1, 2013, as the Secretary deter-
23 mines necessary to provide for the security of sites and
24 buildings in foreign countries under the jurisdiction and
25 control of the Secretary.

1 Service) of the Department of State have
2 been identified”; and

3 (B) by moving subparagraph (C) two ems
4 to the left; and
5 (2) in paragraph (2)—

6 (A) in subparagraph (A), by striking
7 “2010” and inserting “2018”; and

8 (B) in subparagraphs (B) and (C), by
9 striking “2009” and inserting “2018” each
10 place it appears.

11 **SEC. 426. SENSE OF CONGRESS REGARDING MINIMUM SE-**
12 **CURITY STANDARDS FOR TEMPORARY**
13 **UNITED STATES DIPLOMATIC AND CONSULAR**
14 **POSTS.**

15 It is the sense of Congress that—

16 (1) the Overseas Security Policy Board’s secu-
17 rity standards for United States diplomatic and con-
18 sular posts should apply to all such posts regardless
19 of the duration of their occupancy; and

20 (2) such posts should comply with requirements
21 for attaining a waiver or exception to applicable
22 standards if it is in the national interest of the
23 United States as determined by the Secretary of
24 State.

1 **SEC. 427. ASSIGNMENT OF PERSONNEL AT HIGH RISK,**
2 **HIGH THREAT POSTS.**

3 (a) IN GENERAL.—The Secretary of State shall sta-
4 tion key personnel for sustained periods of time at high
5 risk, high threat posts (as such term is defined in section
6 104 of the Omnibus Diplomatic Security and
7 Antiterrorism Act of 1986, as added by section 411 of this
8 Act) in order to—

9 (1) establish institutional knowledge and situa-
10 tional awareness that would allow for a fuller famil-
11 iarization of the local political and security environ-
12 ment in which such posts are located; and

13 (2) ensure that necessary security procedures
14 are implemented.

15 (b) QUARTERLY BRIEFINGS.—The Secretary of State
16 shall quarterly brief the appropriate congressional commit-
17 tees on the personnel staffing and rotation cycles at high
18 risk, high threat posts.

19 **Subtitle C—Security Training**

20 **SEC. 431. SECURITY TRAINING FOR PERSONNEL ASSIGNED**
21 **TO HIGH RISK, HIGH THREAT POSTS.**

22 (a) IN GENERAL.—Title IV of the Omnibus Diplo-
23 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
24 4851 et seq.; relating to diplomatic security) is amended
25 by adding at the end the following new sections:

1 **“SEC. 416. SECURITY TRAINING FOR PERSONNEL ASSIGNED**
2 **TO A HIGH RISK, HIGH THREAT POST.**

3 “(a) IN GENERAL.—Individuals assigned perma-
4 nently to or who are in long-term temporary duty status
5 as designated by the Secretary at a high risk, high threat
6 post shall receive security training described in subsection
7 (b) on a mandatory basis in order to prepare such individ-
8 uals for living and working at such posts.

9 “(b) SECURITY TRAINING DESCRIBED.—Security
10 training referred to in subsection (a)—

11 “(1) is training to improve basic knowledge and
12 skills; and

13 “(2) may include—

14 “(A) an ability to recognize, avoid, and re-
15 spond to potential terrorist situations, including
16 a complex attack;

17 “(B) conducting surveillance detection;

18 “(C) providing emergency medical care;

19 “(D) ability to detect the presence of im-
20 provised explosive devices;

21 “(E) minimal firearms proficiency; and

22 “(F) defensive driving maneuvers.

23 “(c) EFFECTIVE DATE.—The requirements of this
24 section shall take effect upon the date of the enactment
25 of this section.

1 “(2) effective use of security resources to miti-
2 gate such threats; and

3 “(3) improved familiarity of available security
4 resources.

5 “(e) OFFICIALS DESCRIBED.—Officials referred to in
6 subsection (a) are—

7 “(1) members of the Senior Foreign Service ap-
8 pointed under section 302(a)(1) or 303 of the For-
9 eign Service Act of 1980 (22 U.S.C. 3942(a)(1) and
10 3943) or members of the Senior Executive Service
11 (as such term is described in section 3132(a)(2) of
12 title 5, United States Code);

13 “(2) Foreign Service officers appointed under
14 section 302(a)(1) of the Foreign Service Act of 1980
15 (22 U.S.C. 3942(a)(1)) holding a position in classes
16 FS-1, FS-2, or FS-3;

17 “(3) Foreign Service Specialists appointed by
18 the Secretary under section 303 of the Foreign Ser-
19 vice Act of 1980 (22 U.S.C. 3943) holding a position
20 in classes FS-1, FS-2, or FS-3; and

21 “(4) individuals holding a position in grades
22 GS-13, GS-14, or GS-15.

23 “(d) EFFECTIVE DATE.—The requirements of this
24 section shall take effect beginning on the date that is one
25 year after the date of the enactment of this section.

1 **“SEC. 418. LANGUAGE REQUIREMENTS FOR DIPLOMATIC**
2 **SECURITY PERSONNEL ASSIGNED TO HIGH**
3 **RISK, HIGH THREAT POST.**

4 “(a) IN GENERAL.—Diplomatic security personnel
5 assigned permanently to or who are in long-term tem-
6 porary duty status as designated by the Secretary at a
7 high risk, high threat post should receive language train-
8 ing described in subsection (b) in order to prepare such
9 personnel for duty requirements at such post.

10 “(b) LANGUAGE TRAINING DESCRIBED.—Language
11 training referred to in subsection (a) should prepare per-
12 sonnel described in such subsection to—

13 “(1) speak the language at issue with sufficient
14 structural accuracy and vocabulary to participate ef-
15 fectively in most formal and informal conversations
16 on subjects germane to security; and

17 “(2) read within an adequate range of speed
18 and with almost complete comprehension on subjects
19 germane to security.”.

20 (c) CONFORMING AMENDMENT.—The table of con-
21 tents of the Omnibus Diplomatic Security and
22 Antiterrorism Act of 1986 is amended by inserting after
23 the item relating to section 415 the following new items:

“Sec. 416. Security training for personnel assigned to a high risk, high threat
post.

“Sec. 417. Security management training for officials assigned to a high risk,
high threat post.

“Sec. 418. Language requirements for diplomatic security personnel assigned to high risk, high threat post.”.

1 **SEC. 432. REPORT TO CONGRESS.**

2 Not later than 18 months after the date of the enact-
3 ment of this Act, the Secretary of State shall submit to
4 the appropriate congressional committees a report on the
5 implementation of this subtitle.

6 **Subtitle D—Expansion of the Ma-**
7 **rine Corps Security Guard De-**
8 **tachment Program**

9 **SEC. 441. MARINE CORPS SECURITY GUARD PROGRAM.**

10 (a) IN GENERAL.—Pursuant to the responsibility of
11 the Secretary of State for diplomatic security under sec-
12 tion 103 of the Diplomatic Security Act (22 U.S.C. 4802;
13 enacted as part of the Omnibus Diplomatic Security and
14 Antiterrorism Act of 1986 (Public Law 99–399)), the Sec-
15 retary of State, in consultation with the Secretary of De-
16 fense, shall conduct an annual review of the Marine Corps
17 Security Guard Program, including—

18 (1) an evaluation of whether the size and com-
19 position of the Marine Corps Security Guard Pro-
20 gram is adequate to meet global diplomatic security
21 requirements;

22 (2) an assessment of whether the Marine Corps
23 security guards are appropriately deployed among
24 United States embassies, consulates, and other dip-

1 diplomatic facilities to respond to evolving security de-
2 velopments and potential threats to United States
3 interests abroad; and

4 (3) an assessment of the mission objectives of
5 the Marine Corps Security Guard Program and the
6 procedural rules of engagement to protect diplomatic
7 personnel under the Program.

8 (b) REPORTING REQUIREMENT.—Not later than 180
9 days after the date of the enactment of this Act and annu-
10 ally thereafter for three years, the Secretary of State, in
11 consultation with the Secretary of Defense, shall submit
12 to the appropriate congressional committees an unclassi-
13 fied report, with a classified annex as necessary, that ad-
14 dresses the requirements specified in subsection (a).

AMENDMENT TO H.R. 2848**OFFERED BY MR. KEATING OF MASSACHUSETTS**

In section 101(3), insert before the period at the end the following: “, of which funding for educational and cultural programs that occur in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife should be prioritized”.



AMENDMENT TO H.R. 2848**OFFERED BY MR. CICILLINE OF RHODE ISLAND**

In section 202, in the matter proposed to be inserted in section 501 of the Foreign Service Act of 1980, strike “‘shall be filled in accordance with section 303 or 309, as appropriate,’” and insert “‘shall be filled, as appropriate, on a temporary basis, in accordance with section 303 or 309’”.



AMENDMENT TO H.R. 2848

OFFERED BY MR. MCCAUL OF TEXAS

In section 103, insert before the period at the end the following: “, except that such amounts may not be used to support any United Nations Unmanned Aerial Systems (drone) activities or missions operating in United States airspace, including United States territories and possessions”.

AMENDMENT TO H.R. 2848**OFFERED BY MR. MARINO OF PENNSYLVANIA**

In section 423, amend the proposed subsection (k) amendment to section 4 of the Foreign Service Buildings Act, 1926, to read as follows:

1 “(k) The Secretary of State shall consult with, and
2 not later than 15 days before any transfer of funds pursu-
3 ant to subsection (j) notify, the Committees on Foreign
4 Relations and Appropriations of the Senate and the Com-
5 mittees on Foreign Affairs and Appropriations of the
6 House of Representatives of such transfer.”



AMENDMENT TO H.R. 2848
OFFERED BY MR. STOCKMAN OF TEXAS

At the end of subtitle B of title IV, add the following:

1 **SEC. 42 . BUREAU OF DIPLOMATIC SECURITY MOBILE BIO-**
2 **METRIC ENROLLMENT PROGRAM.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of State shall brief the
5 appropriate congressional committees regarding the mo-
6 bile biometric enrollment program of the Bureau of Diplo-
7 matic Security that includes the following:

8 (1) An overview of the mobile biometric enroll-
9 ment program and the Department of State's use of
10 biometric technologies to secure access to United
11 States diplomatic and consular posts.

12 (2) An assessment of the effectiveness and uses
13 of such biometric technologies.

14 (3) An assessment of the costs, benefits, and
15 implementation time that would be involved in ex-
16 tending the mobile biometric enrollment program ini-
17 tially to all high risk, high threat posts (as such
18 term is defined in section 104 of the Omnibus Diplo-
19 matic Security and Antiterrorism Act of 1986, as

2

1 added by section 411 of this Act), and then to all
2 remaining diplomatic and consular posts.

AMENDMENT TO H.R. 2848**OFFERED BY MR. SMITH OF NEW JERSEY**

At the end of subtitle B of title II, add the following:

1 **SEC. 21_. AUTHORITY TO RESTRICT PASSPORTS.**

2 (a) **IN GENERAL.**—The Secretary of State is author-
3 ized to—

4 (1) limit to one year or such period of time as
5 the Secretary of State shall determine appropriate
6 the period of validity of a passport issued to a sex
7 offender; and

8 (2) revoke the passport or passport card of an
9 individual who has been convicted by a court of com-
10 petent jurisdiction in a foreign country of a sex of-
11 fense.

12 (b) **LIMITATION FOR RETURN TO UNITED STATES.**—
13 Notwithstanding subsection (a), in no case shall a United
14 States citizen convicted by a court of competent jurisdic-
15 tion in a foreign country of a sex offense be precluded
16 from entering the United States due to a passport revoca-
17 tion under such subsection.

18 (c) **REAPPLICATION.**—An individual whose passport
19 or passport card was revoked pursuant to subsection
20 (a)(2) may reapply for a passport or passport card at any

1 time after such individual has returned to the United
2 States.

3 (d) DEFINITIONS.—For purposes of this section:

4 (1) SEX OFFENDER.—The term “sex offender”
5 means an individual who is listed on the National
6 Sex Offender Registry established pursuant to sec-
7 tion 119 of the Sex Offender Registration and Noti-
8 fication Act (42 U.S.C. 16915).

9 (2) SEX OFFENSE.—The term “sex offense”
10 means a sex offense as defined in section 111(5) of
11 the Sex Offender Registration and Notification Act
12 (42 U.S.C. 16915).



AMENDMENT TO H.R. 2848
OFFERED BY MR. CICILLINE OF RHODE ISLAND AND
MS. BASS OF CALIFORNIA

In section 103, add at the end the following: "Notwithstanding any other provision of law, funds authorized to be appropriated under this section are authorized to remain available until September 30, 2015."



AMENDMENT TO H.R. 2848
OFFERED BY MR. PERRY OF PENNSYLVANIA AND
MS. MENG OF NEW YORK

At the end of subtitle A of title IV, add the following:

1 **SEC. 414. REVISION OF PROVISIONS RELATING TO PER-**
2 **SONNEL RECOMMENDATIONS OF ACCOUNT-**
3 **ABILITY REVIEW BOARD.**

4 (a) **IN GENERAL.**—Section 304(e) of the Diplomatic
5 Security Act (22 U.S.C. 4834(c)) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by striking “Whenever” and inserting
8 “If”; and

9 (B) by striking “has breached the duty of
10 that individual” and inserting “has engaged in
11 misconduct or unsatisfactorily performed the
12 duties of employment of that individual, and
13 such misconduct or unsatisfactory performance
14 has significantly contributed to the serious in-
15 jury, loss of life, or significant destruction of
16 property, or the serious breach of security that
17 is the subject of the Board’s examination as de-
18 scribed in subsection (a)”;

1 (2) in paragraph (2), by striking “finding” each
2 place it appears and inserting “findings”; and

3 (3) in the matter following paragraph (3)—

4 (A) by striking “has breached a duty of
5 that individual” and inserting “has unsatis-
6 factorily performed the duties of employment of
7 that individual”; and

8 (B) by inserting “of employment” after
9 “performance of the duties”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall apply with respect to any case of an
12 Accountability Review Board that is convened under sec-
13 tion 301 of the Diplomatic Security Act (22 U.S.C. 4831)
14 on or after the date of the enactment of this Act.



AMENDMENT TO H.R. 2848
OFFERED BY MR. GRAYSON OF FLORIDA

In title I, add at the end the following:

1 SEC. 10___. No funds under this Act are authorized
2 to be appropriated to enter into a contract with any offer-
3 or or any of its principals if the offeror certifies, pursuant
4 to the Federal Acquisition Regulation, that the offeror or
5 any of its principals—

6 (1) within a three-year period preceding this
7 offer has been convicted of or had a civil judgment
8 rendered against it for commission of fraud or a
9 criminal offense in connection with obtaining, at-
10 tempting to obtain, or performing a public (Federal,
11 State, or local) contract or subcontract; violation of
12 Federal or State antitrust statutes relating to the
13 submission of offers; or commission of embezzle-
14 ment, theft, forgery, bribery, falsification or destruc-
15 tion of records, making false statements, tax eva-
16 sion, violating Federal criminal tax laws, or receiving
17 stolen property; or

18 (2) are presently indicted for, or otherwise
19 criminally or civilly charged by a governmental enti-

1 ty with, commission of any of the offenses enumer-
2 ated in paragraph (1); or

3 (3) within a three-year period preceding this
4 offer, has been notified of any delinquent Federal
5 taxes in an amount that exceeds \$3,000 for which
6 the liability remains unsatisfied.

AMENDMENT TO H.R. 2848
OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

At the end of title I, add the following:

1 **SEC. 10. PROHIBITION ON USE OF FUNDS.**

2 No funds under this Act are authorized to be appro-
3 priated for any new Department of State security and
4 training facility, including the proposed Foreign Affairs
5 Security Training Center, for which there is not a com-
6 pleted, independent feasibility study that has been pro-
7 vided to the appropriate congressional committees,
8 verifying that safety and security training for all Depart-
9 ment personnel who require such training cannot reason-
10 ably be provided at the existing Federal Law Enforcement
11 Training Facility.



AMENDMENT TO H.R. 2848
OFFERED BY MR. ROYCE OF CALIFORNIA

In section 102, add at the end the following: “The Secretary shall notify the appropriate congressional committees not less than fifteen days prior to obligating funds authorized under this section to implement or establish any principle commission or organization required by a treaty that has not been ratified by the Senate.”.



Chairman ROYCE. And I will now recognize myself to speak on the bill and the manager's en bloc.

The Department of State Operations and Embassy Security Authorization Act provides our diplomats with the tools they need to do their job effectively and as safely as possible. Passing this authorization bill is a basic committee responsibility, and I very much appreciate the collaboration that I have had with Ranking Member Engel. This is a bipartisan bill, and together we have worked to incorporate the input of a large number of committee members. It is a bill we should be proud of, especially in this time of growing threats abroad, and I am very hopeful that we will be able to send it to the Senate and reach agreement to authorize State Department operations, as it should be.

Now, here is the point, members: If signed into law, this would be the first such authorization bill in over a decade. That is why our cooperation on this measure is so important. From a committee standpoint, authorizing these programs will increase our oversight ability. It will improve committee members' ability to legislate new programs, saving money, and reforming old ones. And while this bill is fiscally responsible, representing a nearly 9 percent overall cut in spending from last year, it fully funds the administration's Embassy security request.

It also contains important Embassy security reforms in response to the Benghazi attack. These include requiring that high-risk posts be designated, enhanced planning for rapid deployment of military resources in response to a crisis, and funding for more Marine guards at Embassy sites.

Very important, the bill contains a provision championed by Mr. Radel and Ms. Frankel that will award local security guard contracts on the basis of best value rather than lowest cost. For our highest-threat posts, we need the highest-quality security personnel.

In the fall we will turn to reforming the State Department's Accountability Review Board process, which looks at attacks on our diplomatic facilities, continuing the committee's focus on Embassy security.

Specific savings in this legislation comes from ending outdated reporting requirements and limiting Foreign Service pay. This legislation also caps State Department appropriations levels. I think we can all agree that the Department must make better use of the resources it has.

I appreciate the support of my colleagues on this critical piece of legislation and turn now to the ranking member for any remarks that Mr. Engel might have.

Mr. ENGEL. Well, thank you, Mr. Chairman. Thank you for holding this markup on the State Department Operations and Embassy Security Authorization for Fiscal Year 2014. I believe, as you do, that passing this legislation is one of the most important responsibilities of our committee. You and I are both determined to make sure that this committee's jurisdiction is not trampled on, and this is one of the most important things that we as a committee can do. As you pointed out, it has been more than a decade since this committee has done this, and you and I are determined not to let that

happen again or continue to happen. So I think this is a very, very important markup that we are having this morning.

I am pleased that we were able to work out most of our differences and move forward with a bill that enjoys support from both sides of the aisle, strong support from both sides of the aisle, and I thank you for working things out with me and with the members on this side of the aisle with some of the concerns that came up. Thank you very much for your cooperation.

This bill provides basic authority to the State Department to advance United States' interests around the world and authorizes the resources necessary to protect our brave and dedicated diplomats. The funds authorized in this bill support all of the State Department's operations around the world for less than 3 percent of the Defense Department's total budget. To me, that is a very wise investment in U.S. national security.

In light of the dangers facing our diplomats in high-risk posts in the Middle East, North Africa, South Asia, and other volatile regions, the bill fully funds the President's request for diplomatic security. This will allow the Department to construct 6 new secure Embassies, support 151 new diplomatic security personnel, and build facilities for 26 additional Marine security guard detachments.

The legislation also includes a number of other provisions to better protect our men and women serving abroad. This includes the text of a bipartisan bill introduced by Representatives Radel and Frankel. It gives the State Department flexibility to award local guard contracts at high-threat posts on the basis of best value rather than on who had the lowest bid. In the past, having to accept the lowest bid sometimes resulted in poorly trained local security forces that endangered the safety of our diplomats and development experts.

In the same spirit of bipartisanship, I would like to commend Representatives Perry and Meng for their hard work in drafting a provision, which has been included in the manager's amendment, that provides additional accountability for State Department officials when their job performance is unsatisfactory.

In addition, I would like to thank Chairman Royce for including some elements of an Embassy security bill that I recently introduced. Among other things, these provisions would enhance the coordination between the State and Defense Departments in times of crisis, and require security and language training for State Department employees before they deploy to dangerous locations.

I want to also thank the chairman for working out concerns that some of the members had with other issues, Mr. Cicilline and Mr. Keating, and I thank you very much for your cooperation on that as well.

As you know, Mr. Chairman, it has been too long since the State Department authorization bill has been signed into law; as you mentioned, more than a decade. We need to resume the practice of passing our authorization bill on a regular basis, and encourage our Senate colleagues to do the same. When we fail to fulfill our legislative responsibility, the Foreign Affairs vacuum is filled by the Armed Services and Appropriations Committees, and once we lose our jurisdiction to others, it is hard to get it back. The bill be-

fore us today, while relatively modest in scope, is an important step in the right direction, and you and I are both determined to make sure that this committee has every bit of the jurisdiction to which it is entitled.

I urge my colleagues to support this legislation, and I look forward to working with Chairman Royce to see that it eventually reaches the President's desk.

And I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

Any other members wish to be identified, wish to speak?

Chairwoman Ros-Lehtinen of Florida.

Ms. ROS-LEHTINEN. Thank you so much.

I would like to thank you, Mr. Chairman, and our ranking member, Mr. Engel, for this important bill. As has been pointed out, for 10 years now the Congress has failed to pass a State Department authorization bill, but it hasn't been for lack of effort on the House side. Last year my friend Congressman Howard Berman and I marked up, and our committee passed, and then the House passed a bipartisan, noncontroversial reauthorization bill in an effort to improve and strengthen our oversight responsibility over the Department of State, which is our primary agency of jurisdiction.

On July 13, 2012, the House passed our State Department authorization bill overwhelmingly with a vote of 333 in favor and 61 against. However, it was unfortunate that the Senate did not make this authorization a priority, and failed to even bring up an authorization bill on the Senate floor. This year I am again hopeful that this committee will fulfill our obligation to the American public and adopt the State Department authorization bill.

Since Congress has failed to authorize the Department of State for a decade now, it has weakened this committee's ability to effectively conduct our oversight of State. This bill is once again a bipartisan, fiscally responsible, and noncontroversial bill, just like last year, that focuses on funding and operational authorities, and, importantly, it provides essential authorities for improving Embassy security so that tragic terrorist attacks like the one in Benghazi may be prevented.

I thank the chairman and the ranking member, and I commend their staffs for their hard work and effort on this bill. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you.

Mr. Faleomavaega of American Samoa.

Mr. FALEOMAVAEGA. Thank the chairman for yielding, and not wanting to be repetitious of what has already been said, but I do want to associate myself with the comments of both our chairman and ranking member.

I have somewhat of an institutional memory in terms of what we have dealt with, the lack of passing an authorization bill dealing with State Department spending, and the problem here, because the other body has different rules, and this is making it almost impossible for us to make it in such a way that—the way that it should function, not for lack of trying. And I want to commend the gentlelady from Florida when she chaired this committee and our ranking member, Mr. Howard Berman, had good efforts, and despite all our good efforts in doing this, somehow we get stuck in

the other body, again, as I said earlier, because of the differences of rules that they have and how they take control of legislation. This has caused a lot of complication in our work here.

But, again, I do want to thank both our chairman and ranking member for their leadership, and I sincerely hope that we are going to put more teeth in this whole issue of having proper jurisdiction and the authorization to do what we should do as far as providing for the necessary legislation to making sure that the operations of our State Department will be taken well.

And with that, Mr. Chairman, I thank you.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. FALEOMAVAEGA. I gladly yield to the gentleman.

Mr. ROHRABACHER. Did the experience that you had in Peshawar, at the consulate in Peshawar, dealing with the security that you faced there, which I happen to remember because I was the other—I was with you at that time, did the fact that they offered you a .45-caliber pistol to keep underneath your pillow make you any more conscious of security needs at American diplomatic facilities?

Mr. FALEOMAVAEGA. Reclaiming my time, I want to say to my colleague and good friend from California, that was quite an experience. I think I was the one that had the shotgun, and you had the .45—

Mr. Rohrabacher. I kind of think that is what it was.

Mr. FALEOMAVAEGA [continuing]. Under your pillow in terms of the safety precautions at our consulate office there in Peshawar. And I look forward to the next trip with you, the next time we might visit some friendlier countries, so we may not have to do this. But I think the gentleman's comment is well taken in terms of making sure that the security of our Embassies and consulates are taken in a lot more serious fashion perhaps than what we have now.

I am not here to point fingers who was at fault, and lack of funding, or lack of management, or whatever it may be, but I do want to thank the gentleman that there is absolutely no question in making sure that we in the Congress do our part, our part in giving the necessary resources for our friends at the State Department to do their part and to make sure that our foreign policies and issues that are important to our national security and economic interests in those countries of the world are taken seriously and in a way that it has the support, especially of this committee as the authorizing committee. And the gentleman I want to thank.

Chairman ROYCE. Thank you, Mr. Faleomavaega, and I will assure you that we have a more promising outlook in the Senate this year for passage, and that is why I appreciate our quick action in getting this over to the Senate.

Mr. Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman. First of all, let me thank you for bringing an important piece of legislation before the committee, you and Eliot Engel. Contained within this bill there are a number of important provisions, but very serious and necessary security upgrades for our Embassies and consulates abroad.

I was the author of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act of Fiscal Years 2000 and 2001, which was one of those last State Department bills that we got passed, and that had serious upgrades, but we need to, as you are doing, revisit the gaps that do exist, and upgrade many, and put more people on the ground, more boots on the ground, so to speak, diplomatic security people and the like, as well as Marines.

So, again, thank you so much, especially in this post-Benghazi era where multiple errors in judgment certainly led to lethal consequences, but we also know that we need to look at the other side of it, and that is the physical infrastructure. This bill does that.

Also included is peacekeeping, which is so important, and I am so glad that you have included the \$300 million for the Mali peacekeeping in Africa, which, again, is our part of trying to ensure that the people who have suffered so much in Mali don't continue to suffer, and peacekeeping deployments there will make a difference.

Let me also thank you for including in the en bloc the amendment that I offered, which, frankly, is a section that I had offered in two bills previously that did not get enacted into law. One of them was the reauthorization of the Trafficking Victims Protection Act, and the other was the International Megan's Law, which was approved by the full House back in 2009, but in the Senate, like so many other bills we send them, it was never taken up. And that is a very important provision that will limit to 1 year, or such time as the Secretary of State shall determine appropriate, the period of validity of a passport issued to a sex offender. In other words, the big national Megan's Law database will now allow—rather than 10 years, which is a huge amount of time for these sex offenders to get on a plane and travel, the Secretary will have the capability to reduce to a year, how long that passport is valid.

The General Accountability Office back a couple of years ago issued a report called, "The Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders," and they found that some 4,500 U.S. passports were issued to known registered sex offenders in Fiscal Year 2008 alone. The GAO emphasized in their report that this number is probably understated due to the limitations of the data that was available to analyze and to access. And again, let me remind members, once you get a passport, it is good for 10 years, and these people travel. Not all of them, but many of them, we know that these 4,500 per year are getting. And that calculates, you know, to about 50,000 Megan's Law registered sex offenders, these are convicted pedophiles. They can hop on a plane and go to Cambodia, go to Bangkok, and go to other places to abuse little children.

Megan Kanka, the little girl from whom Megan's Law derives its name, lived in my hometown. In 1994, members will recall, Megan was brutally killed and exploited and raped by a convicted pedophile, who lived across the street from her house. I know the parents very well, I know the family very well, and that began the push in every State of the Union of what we call Megan's Law. And now we have a national database that takes all of those names and keeps an ongoing listing of them, and there are obviously things they have to do.

But, again, they travel. This gives the Secretary of State some additional authorities to make sure that he or she can limit to a year how long that passport is good for.

And I would remind members finally, as my time comes to an end, that I will be reintroducing International Megan's Law. It did pass when Howard Berman was chairman. We worked in a very bipartisan way. There was push-back from the Justice Department and others, which I find to this day absolutely appalling. ICE has done a wonderful job on a sporadic basis. When they know that someone is getting on a plane to travel to exploit children—and sex tourism is in ascendancy, not descendancy—they have advised countries of destination. In one case in California, it was known that a number of pedophiles were getting on a plane to go to Korea. Very fine officers in ICE notified Korea, and they said, no way, no way they are coming into Korea to exploit our children.

So knowledge is power. The International Megan's Law is a means of comprehensively doing this. This disparate provision of that, which Chairman Royce has kindly included as an—en bloc as part of an amendment, will at least give one tool to the Secretary of State to mitigate the damage done by these traveling pedophiles.

Chairman ROYCE. Thank you.

We go to Mr. Gregory Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman.

I want to voice my support for H.R. 2848, Department of State and Embassy Security Authorization Act. I also want to first make sure that I affiliate myself with the remarks of Mr. Smith, who I entirely agree with in regards to stripping this so that we are not exporting pedophiles and we are protecting our young people. I want to make sure that I let you know I agree with you very much there.

This bill provides critical support for U.S. diplomatic efforts around the world and critical programs that ensure our Nation remains strong internationally. What we spend on these efforts is a tiny percentage of our national spending, but yet it yields mightily in mighty, mighty results.

Our Nation is stronger because of the efforts that are funded in this bill. We know all too well these days that our Nation's diplomats are as much in harm's way as many of our military personnel, and I want to thank the chairman and the ranking member for moving forward measures in this bill to secure our diplomats in a bipartisan manner.

And I want to thank them also for advocating and keeping the committee's jurisdiction over this bill. No one knows the importance and the functions of the State Department and our Embassies and our democratic programs than the members on this committee. This committee hears it, this committee understands it, and so, therefore, it is right that this committee has jurisdiction over it.

In addition to security-related matters, I want to point out a couple of programs that I believe don't get enough recognition, but are important to our Nation's relationship building and democracy worldwide. This bill authorizes educational and cultural exchange programs, which do an excellent job of promoting U.S. interests abroad in a way that increases the understanding of America and

our values. I have hosted many delegations of officials, civil society, civil servants, students, and many other groups from around the world under the auspices of these programs. Just last week I had the pleasure of being shadowed by Lloyd Hussein of the United Kingdom through a State Department exchange program. I can't say enough about what this kind of interaction does to build understanding, partnership, and having us working together.

Let me also mention that the National Endowment for Democracy, of which I used to sit as a board member, is authorized in this bill. It is also a program I cannot say enough about. Just about anywhere globally that people aspire to democratic governance, NED is there to provide technical assistance and support.

Mr. Chairman, Mr. Ranking Member, I thank you for your efforts on these and many other measures in this bill, and I yield back the balance of my time.

Chairman ROYCE. Thank you.

We now go to Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman. I will be very brief.

Those of us who have served on this committee for a number of years, I think, know that for a long time we struggled on this side of the aisle and that side of the aisle to get our act together. We have done that now. We passed one in the last Congress. Unfortunately, the Senate and this House couldn't get the two bodies together to actually pass something.

The Foreign Affairs Committee both over here and over there would be much more relevant, much more significant, much more important if we could do that now, the two bodies together, just as this committee has now done in a bipartisan manner. So I would strongly urge members, if they have connections, colleagues over in the other body, we ought to be talking to them, too, because I think it would be very important to our country if you could have the two bodies get together.

This is a well-crafted bill, it is a fiscally responsible bill, and I urge my colleagues to support it.

I yield back.

Chairman ROYCE. Your point is well taken, Mr. Chabot. Mr. Engel and myself are engaged, and I again stress that I think we have got a much more promising outlook in the Senate this year for passage and conference with this legislation.

We will now go to Gerry Connolly of Virginia.

Mr. CONNOLLY. Mr. Chairman, thank you, and, you know, as somebody who used to write bills like this, and having helped write the last foreign aid authorization bill to become law, which was in 1986, I know how hard this can be. And I commend you and the ranking member, Mr. Engel, for your leadership and our staff, our collective staffs, for being able to pull us together.

A couple years ago we had 2 very hot summer days and well into 2 summer nights marking up the State Department bill, and it was an exercise that maybe made us feel good, but it was doomed to failure and died of its own weight. This is a good example of coming together and legislating, and legislating to create some common good.

I particularly want to commend my colleagues and the leadership for how we are dealing with Embassy security. Instead of pontifi-

cating, instead of making political points, we are trying to legislate, we are trying to make our Embassies more secure, and we are trying to create a process for doing that, and I think that is a real contribution to the subject.

So thank you, Mr. Chairman and Mr. Engel, for your leadership, and I look forward to supporting the legislation.

I yield back.

Chairman ROYCE. We go to Judge Ted Poe of Texas.

Mr. POE. Thank the chairman, especially for putting this bill together so that Congress can do its part when it comes to oversight and authorization. The bill shows the seriousness of the committee.

I would also like to thank the chairman for his support for adding stronger language about making sure that we are getting results from our programs.

The bill provides congressional authorization for the Center for Strategic Counterterrorism Communications. The Center's job is to coordinate our Government's messaging against terrorists throughout the world. For Congress, authorizing the creation of a new organization doesn't end with a vote. Our new language requires the State Department to establish measurable goals, performance metrics, and strict monitoring and evaluation. This will help the Center and Congress evaluate and learn what has taken place. We need to support the programs that are bringing results and get rid of the ones that aren't. I hope we can do this across the board with foreign aid.

H.R. 2638, the Foreign Aid Transparency and Accountability Act, the lead sponsor is my, as I affectionately say, greatest irritant, Mr. Connolly from Virginia—

Mr. CONNOLLY. You don't mean that.

Mr. POE [continuing]. This bill requires monitoring, evaluation, and transparency of all our foreign aid programs, and I thank him for the work on this. Last year's version passed the House unanimously, and I hope we can do the same this year with the committee and the chairman's support. I thank the chairman for including the language, and I am pleased for his support.

I yield back.

Chairman ROYCE. Thank you.

We go now to Congressman Bill Keating of Massachusetts.

Mr. KEATING. Thank you, Mr. Chairman. First of all, I would like to thank the chair and the ranking member for including in the en bloc package my amendment dealing with educational cultural exchange. As we are seeing, conflict and civil strife are not restricted to countries in transition or emerging governances.

My amendment would ensure the State resources are adequately expended to programs that serve areas of continued unrest. It is in these sometimes volatile regions that educational cultural exchanges are the most critical in promoting democracy building and stability. So I would like to thank the chair and ranking member for that.

Secondly, I intended to offer an amendment to deal with the impact of extremism on women in high-risk countries. This would help ensure that the State Department works to counter extremist rhetoric and behaviors, and as they do this, they will also work to

promote women's education and positions in society as a tool to counter extremism.

Women are uniquely positioned to counter radicalization both at home and in their communities, and are a vital component of counterterrorism efforts. Further, the treatment of women in countries experiencing a political transition can serve as a bellwether for extremist policies to come. In some ways this can even be more telling than what the actual leaders of countries may be saying to U.S. officials.

The promotion of women's education and civic engagement should be at the forefront of much of what we have to do in fragile and transitioning states. Social and legal institutions still do not guarantee women equality and basic legal or human rights. Furthermore, laws against domestic violence are often not enforced on behalf of women.

More women than men live in poverty, and approximately two-thirds of the illiterate adults in the world are female. Social and legal institutions still do not guarantee women equality in basic legal and human rights; access to or control of other resources in employment, earnings, and social and political participation. Furthermore, laws against domestic violence are often simply not enforced.

Women are subject to different forms of violence globally, physical, sexual, psychological, and economic, both within and outside their homes. Rates of women experiencing physical violence at least once in their life can vary from several percent to over 60 percent depending on the region in which they live.

Flowing from this discussion of the amendment, it is now my understanding that the committee is willing to instead hold a first-of-its-kind hearing on this subject in the near future. As such, I withdraw my amendment today, and I look forward to working with the chairman—thank the chairman and the ranking member and their staffs—and other members of the committee to further promote by holding an entire hearing on strengthening the role of women in an effort to counter the effects of violent extremism. So I withdraw my amendment and thank the chairman and his staff, the ranking member and their staff, for holding a first-of-its-kind type of hearing in the near future.

Thank you, Mr. Chairman.

Chairman ROYCE. Well, I appreciate the gentleman's cooperation and support for the underlying bill. And Mr. Keating raises a very important issue. Women all over the world face incredible oppression, and this is an issue that Mr. Keating and I have talked about, what we see today or have seen in Mali, for example, what we have seen in the Middle East, parts of Asia, and I look forward to continuing to highlight this with a forum to do so, because you are absolutely right, as we have discussed. And I appreciate one more time the gentleman from Massachusetts' support for the underlying legislation.

We will go down to Mr. Duncan of South Carolina.

Mr. DUNCAN. Thank you, Mr. Chairman. I want to just reiterate my thanks to you and the ranking member for your work on H.R. 2848.

I want to specifically talk about an amendment in the en bloc, number 23. In February, the State Department requested \$900 million for a brand new Foreign Affairs Security Training Center, and the State Department has indicated that it will work with the Department of Homeland Security to evaluate whether any training capacity for State Department personnel is available at the Federal Law Enforcement Training Center, or FLETC, which is one of several FLETC facilities nationwide.

I act as chairman of the Oversight Subcommittee of the Homeland Security Committee, and I have worked closely to consider the capabilities of FLETC, and in May I led a subcommittee site visit to the FLETC facility out in Maryland. As a component of DHS, FLETC serves as an interagency law enforcement training organization for all Federal departments; three branches of the government; State, local, rural, tribal, territorial and international law enforcement agencies.

This training ranges from basic programs like the criminal investigator training program to advanced training programs such as cyberterrorism, financial forensics, and money laundering training. FLETC has the current capacity and capability to train and take on training of State Department personnel without State Department building a brand new, expensive facility.

So I want to urge my colleagues to support the swift passage of H.R. 2848, and with that I will yield back.

Chairman ROYCE. Thank the gentleman.

We go now to David Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman.

I want to begin by echoing the remarks of my colleagues and recognizing the strong bipartisan manner in which we are marking up this State Department authorization legislation, and note my appreciation for the inclusion of some of my proposals among the bipartisan amendments accepted in the manager's package. I thank Chairman Royce and Ranking Member Engel for their leadership.

United Nations peacekeeping troops support the U.S. principles of peace and democracy around the world; however, in the current fiscal climate, our peacekeeping budgets often fall short of the needs on the ground. This problem is exacerbated by the fact that our fiscal calendar and that of the United Nations are not synchronized. As a result, we are forced to engage in complicated accounting transactions to pay our peacekeeping bills on time, even when the Congress has appropriated enough money to pay those bills.

That is why I, along with Ranking Member Karen Bass, proposed an amendment to provide the State Department additional flexibility to pay its bills to the United Nations from appropriated funds. The amendment is budget neutral and focuses on addressing only the issue of flexibility. It is not providing additional funds to the U.N.

We can and often do disagree about appropriate funding levels, but we should all agree that if we appropriate money for peacekeeping, we ought to make sure it gets to where it needs to go, and that it gets there on time. And both Congresswoman Bass and I both appreciate the inclusion of this proposal in the manager's amendment.

I also appreciate the inclusion of a technical change to protect the integrity of our Foreign Service by clarifying a provision in the bill that would allow open positions to be filled by non-Foreign Service officers in time of need. I support the provision in the bill, and my amendment will make it clear that this allowance is merely temporary.

The men and women of the Foreign Service, like their brothers and sisters in the military, serve overseas in war zones and dangerous places and sometimes even make the ultimate sacrifice. Foreign Service officers and their families suffer from exposure to tropical diseases, and the assignment to countries with inadequate healthcare systems and potential exposure to crime, violence, civil unrest, and warfare. Throughout their careers serving our country, they amass a great deal of experience, and it is in our best interests to continue to leverage their expertise when possible.

Finally, as we discuss the operation of our State Department for next year, I would like to specifically note the work that the U.S. Department of State and our Foreign Service officers around the world are doing to protect and promote the human rights for individuals globally, including lesbian, gay, bisexual, and transgender persons. I recognize their good work and encourage them to build upon it today, because there is a severe cause for concern. Just in the past month LGBT individuals have been brutally tortured and killed in Cameroon, attacked and arrested in Russia, and harassed and abused in Jamaica. And I am sorry to say that the list goes on and on.

Yet despite these challenges, remarkable progress is being made to ensure that, as the Universal Declaration of Human Rights states, all men are born free and equal in dignity and rights, regardless of where they born or where they live. The United States has long stood as a beacon of freedom for all, and we have defended those freedoms here at home and, importantly, around the world; freedom and equality for women, for children, for religious, racial, and ethnic minorities, and for LGBT individuals.

There is much more we can do, and I encourage the dedication of additional resources and support to protect these basic human rights, for regardless of one's personal views, we can all agree that no one should be targeted or attacked or killed on the basis of sexual orientation or gender identity. I am proud the State Department under Secretary Kerry is continuing to expand and develop its work in this important area, and I look forward to working with this committee moving forward to ensure we are providing the necessary support, guidance, and pressure on human rights issues.

I am very pleased by how much we have accomplished over the last few years, and I want to thank our chairman emeritus, Ileana Ros-Lehtinen, for endless support of the LGBT community and her willingness to work across the aisle. Her commitment and leadership has helped grow bipartisan support for these issues.

I look forward to working with Chairman Royce, and Ranking Member Engel and members of this committee to elevate the importance of human rights of LGBT individuals internationally, and for continuing a formal dialogue with the State Department in a bipartisan manner to protect human rights for all.

And I thank you, Mr. Chairman, and yield back.

Chairman ROYCE. Thank you.

We go to Scott Perry of Pennsylvania.

Mr. PERRY. I thank you, Chairman Royce and Ranking Member Engel. We appreciate this, and I appreciate this opportunity and your diligence in bringing this to the floor.

In the wake of the security incident at the State Department facility in Libya last year, it was brought to this committee's attention that future Accountability Review Boards should have more flexibility and clear guidance to make disciplinary recommendation, but these fixes would require change to the ARB's authorizing statute. So I, with the capable help of the gentlelady from New York, Ms. Meng, have drafted an amendment that does just that. And with this bipartisan legislation, if an ARB finds that a State Department employee's unsatisfactory performance or misconduct has significantly contributed to a security incident, the ARB can recommend that the employee be disciplined appropriately.

While we certainly understand the vast majority, the vast majority, of State Department employees are capable and dedicated public servants, the ARB should be given more leeway to recommend disciplinary actions and clear guidance for doing so.

Thank you, Mr. Chairman, and I yield back.

Chairman ROYCE. We go now to Mr. Juan Vargas of California, or was Mr. Ted Deutch seeking recognition first? Mr. Ted Deutch of Florida.

Mr. DEUTCH. Thank you. Thank you, Chairman Royce, and I want to thank you and Ranking Member Engel for working together to put forth a bipartisan State authorization bill that keeps intact the ability for the United States to continue to engage around the world, while preserving our national security interests and protecting the brave men and women of the Foreign Service. They are the ones who walk the streets in cities around the world, often in volatile and hostile places, day after day, talking face to face with people, sharing American values and American ideals.

I am pleased to see that that bill includes much of the ranking member's Embassy Security Act that will help ensure that our diplomatic facilities and our diplomats are protected.

The devastating cuts put forth in this year's State foreign ops appropriations bill would greatly hinder the State Department's ability to engage both bilaterally and multilaterally. This bill ensures that the United States can continue to keep our commitments to international peacekeeping and international organizations.

We must promote American engagement. As ranking member of the Middle East Subcommittee, I would urge my colleagues to support the strong role that the United States must play throughout the world and promoting American ideals. We have to continue to actively promote our priorities of human rights, of democracy, and of equality.

I know, we all know, that we have to make difficult choices during these tough budget times, but reducing America's role in the world, particularly when the International Affairs budget only makes up less than 1 percent of the Federal budget, is not only devastating to our allies, but, most importantly, it is devastating to our security interests and our security interests around the world.

So, again, I want to thank Chairman Royce and Ranking Member Engel for working to preserve those efforts. I appreciate the time, and I yield back.

Chairman ROYCE. Thank you, Mr. Deutch.

Mr. Juan Vargas of California.

Mr. VARGAS. Thank you very much, Mr. Chairman. I, too, want to thank you and the ranking member for all of the hard work that you have put into this bill, especially for the security of our Embassies. So I won't go and repeat everything that has been said, but I do want to thank you very much.

I do want to ask a question, however, that came up since we have been here, and this is under Title II, subtitle B, section 212, Border Crossing Fee for Minors. I am not sure who would be the appropriate person to ask this question.

Chairman ROYCE. I would probably be the appropriate person at this time, Mr. Vargas. Go ahead.

Mr. VARGAS. Thank you, Mr. Chairman.

I would ask, then, the border crossing fee for minors, does it apply to both borders equally, the northern border and the southern border? I represent California, the southern border, as you know, and would like to know if this fee is a fee that is collected at both borders, and if not, why not?

Chairman ROYCE. I am going to say that as I reference that, what we have included in the measure is the request from the administration, and, of course, the issue goes to the machine-readable U.S. border-crossing ID card. And just as in previous years, the State Department requests the change, in this particular case we are acting at their request, because the cards now include more premium features, and this change simply allows them to recoup the costs. Or they don't recoup the costs, but they would recoup a larger percentage, as I recall, of the cost, a greater proportion, for providing the service.

So I think the question would go to if this is a service provided uniquely to the southern border, then that is why the language might only—as you have pointed out, might only reference the southern border. We are in the process right now of checking to see if that feature is also used on the border, northern border, and if so, then we would concur with you, I think, that we would want to make an identical change to the northern border.

If you will give me a few more minutes, I think we will have the opportunity to review the issue with State and whether it is equitably done. I will assure you this: We will work with you to get that equitable resolution to the problem before this goes to the floor, if that is—if that meets with your accord.

Mr. VARGAS. Absolutely. And again, I thank you very much for looking at that issue, and again, I thank you so much for your hard work on this bill.

Chairman ROYCE. Thank you, Mr. Vargas.

Mr. VARGAS. Thank you, sir.

Chairman ROYCE. And I believe Mr. Brad Schneider was seeking recognition next.

Mr. SCHNEIDER. Thank you, Chairman, and I will be brief as well.

I want to thank the chair and ranking member for bringing this important piece of legislation to the committee for consideration. I will repeat what has already been said, that this is a good bill. The legislation not only authorizes funds for the Department of State, but also addresses many of the pressing needs our Embassies and consulates around the world have, particularly updating, upgrading necessary security.

The important provisions in this bill will provide funding for the essential work that is performed by our Foreign Service officers and diplomats, and also create a reinforcing system of security to ensure their continued safety.

We cannot, in fact we must not, sacrifice our engagement in the world under the guise of fiscal prudence. This bill strikes a responsible balance between physical security needs of our diplomatic facilities around the world without overly burdening our extremely talented Foreign Service corps with rules and regulations that would otherwise restrict their ability to perform their important work.

I did want to thank the committee for addressing these critical needs, and I yield back the balance of my time.

Chairman ROYCE. I thank the gentleman.

Any other members seeking recognition at this time?

Yes. Grace Meng of New York.

Ms. MENG. I would like to thank Chairman Royce, Ranking Member Engel, and their staffs for all your hard work on today's important legislation. I specifically wanted to thank you for agreeing and working to incorporate the Perry-Meng amendment into this year's State Department authorization bill.

This past December an Accountability Review Board, or ARB, was convened to assess the State Department's policies and response to the attack in Benghazi. However, under the current authorizing statute, an ARB can only recommend disciplinary action against the State Department employee, where there has been a "breach of duty," a standard which is held very high and very hard to understand. As a result, the Benghazi ARB was unable to recommend disciplinary action against even a single State Department employee.

The Perry-Meng amendment changes that. By lowering and clarifying the standard by which future ARBs can recommend disciplinary actions, our amendment will ensure greater accountability and responsibility at the State Department in the years to come and prevent future Benghazis.

I thank the committee for its consideration, and I hope we can continue to move forward in a productive, bipartisan fashion on this and other issues.

And I yield back my time.

Chairman ROYCE. Thank you very much, Congresswoman.

We will now go to Lois Frankel of Florida.

Ms. FRANKEL. Thank you, Mr. Chair, and—

Chairman ROYCE. And then—okay, very good.

Ms. Frankel.

Ms. FRANKEL. Thank you, Mr. Chairman. Thank you also to the ranking member and yourself for this bipartisan effort. And I want

to thank Mr. Waddell for working on a provision that you have included in this bill.

One of the privileges of being on this committee has been the opportunity to meet many of our Ambassadors, our own Ambassadors and Ambassadors from other countries. And I think many people don't realize how professional and competent and dedicated these folks are.

When we had the hearings on Benghazi, one of the recommendations of Secretary Clinton, once we asked, you know, what she would recommend to make the security better for our diplomats, is she asked for more flexibility in terms of best-value contracting. And that is provided for in this main bill, and I want to again thank Mr. Royce and Mr. Engel for including that.

And I yield back.

Chairman ROYCE. Thank you.

Are there any other members seeking recognition?

I think we have Alan Lowenthal of California.

Mr. LOWENTHAL. I just want to concur with what everyone else has said. You know, as a new Member to the Congress, it is in an environment that has been, I think, aptly described as highly partisan. This committee is not that way. This committee is bipartisan, works well together. The Security Authorization Act reflects that. And I want to really thank the chair for his leadership on Vietnamese human rights actions. It has been wonderful working with the chair, and I just really wish to thank him and Mr. Smith also. Thank you so much.

Chairman ROYCE. Thank you, Mr. Lowenthal.

Any other members seeking recognition?

Mr. Joaquin Castro from Texas.

Mr. CASTRO. Thank you, Chair, and again, let me say thank you to the chairman and the ranking member for your leadership on this bill and for doing everything that we can to make sure the State Department has the resources it needs to effectively do diplomacy around the world.

I would just echo also Congressman Vargas' concern on section 212 on the border-crossing fee for minors and note that it is a jump of about 500 percent on that card. I hope that, as you mentioned, Chair, that we can work together to make sure that that cost is spread evenly, if there is a card that is issued on the northern border or a card that is issued to folks of other countries as well.

Chairman ROYCE. I concur, Mr. Castro, absolutely, with your point. We will get together.

Mr. CASTRO. That is an important thing, particularly for folks in border communities where you have literally millions of people crossing back and forth every year, mostly for the purposes of commerce, and essentially helping to support the many American businesses along the U.S.-Mexico border. So thank you very much.

Chairman ROYCE. Thank you.

Any other members seeking recognition?

If not, the question occurs on agreeing to the amendments being considered en bloc.

All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it, and the amendments considered en bloc are agreed to.

Are there any further amendments?

Hearing no further amendments to this measure, the question occurs on agreeing to H.R. 2848, as amended.

All those in favor, say aye.

All those opposed?

In the opinion of the Chair, the ayes have it, and the bill is amended as agreed to, and without objection, H.R. 2848, as amended, is ordered favorably reported and will be reported as a single amendment in the nature of a substitute.

Also, without objection, staff is directed to make technical and conforming changes, and the Chairman is authorized to seek House consideration of this legislation under suspension of the rules.

And I want to again thank Ranking Member Engel and all of our committee members for their contribution to this important legislation, and their assistance in today's markup.

So the committee at this time stands adjourned.

[Whereupon, at 11:20 a.m., the committee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Edward R. Royce (R-CA), Chairman

August 1, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, August 1, 2013

TIME: 10:00 a.m.

MARKUP OF: H.R. 2848, Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014; and

H.R. 419, To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
 MINUTES OF FULL COMMITTEE MARKUP

Day Thursday Date 08/01/13 Room 2172

Starting Time 10:11 a.m. Ending Time 11:20 a.m.

Recesses 0 (___ to ___) (___ to ___)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 2848

H.R. 419

COMMITTEE MEMBERS PRESENT:

See Attached Sheet.

NON-COMMITTEE MEMBERS PRESENT:

None.

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

None.

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

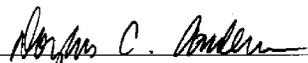
RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 11:20 a.m.


 Doug Anderson, General Counsel

HOUSE COMMITTEE ON FOREIGN AFFAIRS

"Full Committee Markup"

June 27, 2013

<i>Present</i>	<i>Member</i>
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
X	Joc Wilson, SC
	Michael T. McCaul, TX
X	Ted Poe, TX
X	Matt Salmon, AZ
	Tom Marino, PA
X	Jeff Duncan, SC
	Adam Kinzinger, IL
	Mo Brooks, AL
X	Tom Cotton, AR
X	Paul Cook, CA
X	George Holding, NC
	Randy K. Weber, Sr., TX
X	Scott Perry, PA
X	Steve Stockman, TX
X	Ron DeSantis, FL
	Trey Radel, FL
	Doug Collins, GA
	Mark Meadows, NC
X	Ted S. Yoho, FL
X	Luke Messer, IN

<i>Present</i>	<i>Member</i>
X	Eliot L. Engel, NY
X	Eni F.H. Faleomavaega, AS
X	Brad Sherman, CA
X	Gregory W. Meeks, NY
X	Albio Sires, NJ
X	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
	Brian Higgins, NY
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
	Alan Grayson, FL
X	Juan Vargas, CA
X	Bradley S. Schneider, IL
X	Joseph P. Kennedy III, MA
	Ami Bera, CA
X	Alan S. Lowenthal, CA
X	Grace Meng, NY
X	Lois Frankel, FL
X	Tulsi Gabbard, HI
X	Joaquin Castro, TX

8/1/13 Foreign Affairs Committee Markup Summary

The Chair called up the following measures:

1. H.R. 419 (Ros-Lehtinen), “To strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes.”
 - a. By unanimous consent, Ros-Lehtinen 27, an amendment in the nature of a substitute (previously provided to Members of the Committee) was considered the base text.
 - 1) Grayson 198, a second degree amendment to Ros-Lehtinen 27 (previously provided to Members of the Committee) was agreed to by unanimous consent.

H.R. 419, as amended by Ros-Lehtinen 27 and Grayson 198, was agreed to by voice vote and ordered favorably reported to the House by unanimous consent.

2. H.R. 2848 (Royce-Engel), “Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014.”

By unanimous consent, the Manager called up the following amendments (also previously provided to Members of the Committee) to be considered *en bloc* and which were agreed to by voice vote:

- 1) Keating 8
- 2) Cicilline 23
- 3) McCaul 30
- 4) Marino 27
- 5) Stockman 8
- 6) Smith 33
- 7) Cicilline-Bass
- 8) Perry-Meng 18
- 9) Grayson 197
- 10) Duncan 23
- 11) Royce 49

H.R. 2848, as amended, was agreed to by voice vote and ordered favorably reported to the House by unanimous consent.

The Committee adjourned.

