

116TH CONGRESS  
2D SESSION

# S. 4849

To require additional disclosures with respect to nominees to serve as chiefs of missions, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 22 (legislative day, OCTOBER 19), 2020

Mr. KAINE introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require additional disclosures with respect to nominees to serve as chiefs of missions, 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 “Ambassador Oversight  
5 and Transparency Act”.

6 **SEC. 2. ADDITIONAL DISCLOSURES REQUIRED WITH RE-**  
7 **SPECT TO NOMINEES.**

8 Section 304 of the Foreign Service Act of 1980 (22  
9 U.S.C. 3944) is amended—

1           (1) in subsection (a)(4), by adding at the end  
2           the following: “Each such report shall explain the  
3           source of, and the extent to which such nominee ob-  
4           tained knowledge of, the principal language or dia-  
5           lect of the country, region, or institution in which  
6           the nominee has been nominated to serve as chief of  
7           mission and the manner and extent to which such  
8           nominee meets the criteria described in paragraph  
9           (1), particularly with respect to the source and ex-  
10          tent of such individual’s knowledge and under-  
11          standing of the history, culture, economics, politics,  
12          and interests of the people of such country, region,  
13          or institution.”; and

14           (2) in subsection (b)—

15           (A) in paragraph (2)—

16           (i) by striking “Each” and inserting  
17           the following: “(A) In this paragraph—

18           “(i) the term ‘bundled contribution’ has the  
19           meaning given such term in section 304(i)(8)(A) of  
20           the Federal Election Campaign Act of 1971 (52  
21           U.S.C. 30104(i)(8)(A)).

22           “(ii) the term ‘contribution’ has the meaning  
23           given such term in section 301(8) of the Federal  
24           Election Campaign Act of 1971 (52 U.S.C.  
25           30101(8)); and

1 “(iii) the term ‘immediate family’ means—

2 “(I) the spouse of the nominee;

3 “(II) any child, parent, grandparent,  
4 brother, or sister of the nominee; and

5 “(III) the spouse of any of the individuals  
6 described in subclause (II).

7 “(B) Each”;

8 (ii) in subparagraph (B), as redesign-  
9 nated, by striking “fourth calendar year”  
10 and inserting “tenth calendar year”;

11 (iii) by striking “The report” and in-  
12 serting the following:

13 “(C) The report shall include the disclosure of all  
14 bundled contributions facilitated by the nominee during  
15 the period described in subparagraph (B), in accordance  
16 with section 304(i)(8) of the Federal Election Campaign  
17 Act of 1971 (52 U.S.C. 30104(i)(8)), and”;

18 (iv) by striking “The chairman” and  
19 inserting the following:

20 “(D) The chairman”;

21 (v) in subparagraph (D), as redesign-  
22 nated, by adding at the end the following:  
23 “The Secretary of State shall publish each  
24 such report and each ‘Certificate of Com-  
25 petency’ issued pursuant to subsection

1 (a)(4)(A) on a publicly available website of  
2 the Department of State.”; and

3 (vi) by striking “As used in this para-  
4 graph” and all that follows; and

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

6 “(3) The President shall certify to the Committee on  
7 Foreign Relations of the Senate that any contributions  
8 made by each individual nominated to be a chief of mission  
9 or members of the nominee’s immediate family, whether  
10 or not included in the report described in paragraph (2),  
11 played no role in such nomination.”.

12 **SEC. 3. ADDITIONAL INSPECTIONS REQUIRED FOR CER-**  
13 **TAIN DIPLOMATIC AND CONSULAR POSTS.**

14 (a) **NONCAREER MEMBER OF THE FOREIGN SERVICE**  
15 **DEFINED.**—In this section, the term “noncareer member  
16 of the Foreign Service” means a person who, on the date  
17 on which such person is nominated to serve as a chief of  
18 mission for a diplomatic or consular post, had not served  
19 as a career member of the Foreign Service (as described  
20 in section 301(d) of the Foreign Service Act of 1980 (22  
21 U.S.C. 3941(d)).

22 (b) **INSPECTIONS REQUIRED.**—The Inspector Gen-  
23 eral of the Department of State and the Foreign Service  
24 shall annually conduct the inspections described in section  
25 209(b) of the Foreign Service Act of 1980 (22 U.S.C.

1 3929(b)) with respect to not fewer than 25 percent of the  
2 diplomatic or consular posts at which the chief of mission  
3 was a noncareer member of the Foreign Service as of July  
4 1 of the most recently concluded fiscal year. The Inspector  
5 General may not inspect the same diplomatic or consular  
6 post in consecutive fiscal years unless the Secretary of  
7 State authorizes such consecutive inspections, on a case-  
8 by-case basis.

9 (c) PUBLIC AVAILABILITY.—The findings from each  
10 inspection required under subsection (b) shall be made  
11 publicly available on an internet website of the Depart-  
12 ment of State.

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