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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

To amend the Foreign Service Act of 1980 to require a period of service at an overseas post of at least four years, to amend title 10, United States Code, to require a tour of duty at defense attaché offices of at least four years, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NUNES introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Foreign Service Act of 1980 to require a period of service at an overseas post of at least four years, to amend title 10, United States Code, to require a tour of duty at defense attaché offices of at least four years, 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 “Foreign Service Opti-
5 mization Act of 2016”.

1 **SEC. 2. PERIOD OF OVERSEAS ASSIGNMENTS FOR CERTAIN**
2 **FOREIGN SERVICE OFFICERS.**

3 (a) IN GENERAL.—Subsection (a) of section 502 of
4 the Foreign Service Act of 1980 (22 U.S.C. 3982) is
5 amended by adding at the end the following new para-
6 graphs:

7 “(3)(A) In making assignments under paragraph (1),
8 and in accordance, with section 903, and, if applicable,
9 section 503, the Secretary shall assure that, except as pro-
10 vided in subparagraph (B), a member of the Service serves
11 at a post for a period of not fewer than four consecutive
12 years and not more than six consecutive years.

13 “(B) In the case of an unhealthful post (as such term
14 is described in section 817), including war, armed conflict,
15 civil strife, or similar hardship or other extreme condition,
16 or in the case of a first tour of duty or, as determined
17 by the Secretary, other exigent circumstance, the Sec-
18 retary may reduce the period of assignment specified in
19 subparagraph (A) by issuing a written waiver. The Sec-
20 retary shall annually submit to Congress a report on any
21 such reductions made pursuant to this subparagraph, in-
22 cluding an explanation of the reasons therefor.

23 “(4) In making assignments under paragraph (1),
24 and in accordance with paragraph (3), the Secretary shall
25 assure that members of the Service who have dem-
26 onstrated a useful knowledge of the principal languages

1 or dialects of the countries in which the posts are located
2 to which such members are assigned, such members are
3 assigned to two consecutive tours of duty.”.

4 (b) CONFORMING AMENDMENT.—Subsection (a) of
5 section 903 of the Foreign Service Act of 1980 (22 U.S.C.
6 4083) is amended, in the second sentence, by striking “3
7 years” and inserting “four years”.

8 (c) REGULATIONS.—The Secretary of State shall pro-
9 mulgate such regulations as may be necessary to carry out
10 the amendments made by subsections (a) and (b).

11 **SEC. 3. TOUR OF DUTY OF MEMBERS OF THE ARMED**
12 **FORCES AND CIVILIANS ASSIGNED TO DE-**
13 **FENSE ATTACHÉ OFFICES.**

14 (a) IN GENERAL.—Subchapter II of chapter 83 of
15 title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 1624. Tour of duty of members and civilians as-**
18 **signed to defense attaché offices**

19 “(a) MEMBERS.—The tour of duty of a member of
20 the armed forces serving as a defense attaché shall be not
21 less than four years and not more than six years.

22 “(b) CIVILIAN EMPLOYEES.—A civilian employee of
23 the Defense Intelligence Agency assigned to a Defense
24 Attaché Office outside the United States shall be assigned

1 to such office for a period that is not less than four years
2 and not more than six years.

3 “(c) WAIVER.—(1) The Secretary of Defense may
4 issue a written waiver to reduce a tour of duty under sub-
5 section (a) or a period of assignment under subsection (b)
6 if—

7 “(A) the tour of duty or assignment is at a lo-
8 cation the Secretary of State has determined is an
9 unhealthful post (as such term is described in sec-
10 tion 817 of the Foreign Service Act of 1980 (22
11 U.S.C. 4057)), including by reason of war, armed
12 conflict, civil strife, or similar hardship or other ex-
13 treme condition;

14 “(B) such tour of duty is the first tour of duty
15 of a member serving a defense attaché or such pe-
16 riod of assignment is the first period of assignment
17 of a civilian employee of the Defense Intelligence
18 Agency assigned to a Defense Attaché Office outside
19 the United States, as the case may be; or

20 “(C) the Secretary of Defense otherwise deter-
21 mines the waiver appropriate for exigent cir-
22 cumstances.

23 “(2) The Secretary shall annually submit to Congress
24 a report on any waivers issued pursuant to paragraph (1),
25 including an explanation of the reasons therefor.

1 “(d) CONSECUTIVE TOURS.—If a member of the
2 armed forces serving as a defense attaché or a civilian em-
3 ployee of the Defense Intelligence Agency assigned to a
4 Defense Attaché Office outside the United States dem-
5 onstrates a useful knowledge of the principal language or
6 dialect of the country in which the Defense Attaché Office
7 is located to which such member or employee is assigned,
8 the Secretary may assign the member or the employee,
9 as the case may be, to two consecutive tours of duty at
10 the Defense Attaché Office.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1623 the following new
14 item:

“1624. Tour of duty of members and civilians assigned to defense attaché of-
fices.”.