

16 February 1988
OCA88-0469

MEMORANDUM FOR: Associate Deputy for Administration

FROM:

[Redacted]

Deputy Director for Legislation/OCA

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SUBJECT:

Foreign Relations Authorization Act

REFERENCE:

Memorandum from [Redacted] to ADDA dated
5 February 1988

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[Redacted]

1. According to the referenced memorandum, [Redacted] noted that this Office has not communicated any guidance to the Office of Security with respect to an interpretation of the Agency's role in preparing an implementation plan for the construction security certification requirement of section 160 of the Foreign Relations Authorization Act. The Management Support Division/Office of General Counsel (OGC) is the proper area within the Agency to provide such guidance.

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2. Accordingly, we are referring [Redacted] inquiry to the Management Support Division, which will respond directly to you.

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[Redacted]

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OCA/Leg, [Redacted] (16 February 1988)

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Distribution:

- Original - Addressee
- 1 - Director of Security
- 1 - DD/PTS
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- 1 - OCA Registry
- 1 - OCA/Leg/Subject File: State Authorization Bill
- 1 - [Redacted] Signer
- 1 - [Redacted] Signer
- 1 - OCA Read

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announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the conclusion of legislative business today.

CONFERENCE REPORT ON H.R. 1777, FOREIGN RELATIONS AUTHORIZATION ACT

Mr. FASCELL submitted the following conference report and statement on the bill, H.R. 1777, to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the U.S. Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes.

CONFERENCE REPORT (H. REPT. 100-475)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1777) to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION I—SHORT TITLE AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1988 and 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

- Sec. 101. Administration of Foreign Affairs.
Sec. 102. Contributions to International Organizations and Conferences; International Peacekeeping Activities.
Sec. 103. International Commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.
Sec. 106. Reduction in earmarks if appropriations are less than authorizations.
Sec. 107. Transfer of funds.
Sec. 108. Compliance with Presidential-Congressional summit agreement on deficit reduction.
Sec. 109. Prohibition on use of funds for political purposes.
Sec. 110. Latin American and Caribbean data bases.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

- Sec. 121. Reprogramming of funds appropriated for the Department of State.
Sec. 122. Consular and diplomatic posts abroad.
Sec. 123. Closing of diplomatic and consular posts in Antigua and Barbuda.
Sec. 124. Report on expenditures made from appropriation for emergencies in the diplomatic and consular

- service.
Sec. 125. Requirements applicable to gifts used for representational purposes.
Sec. 126. Protection of historic and artistic furnishings of reception areas of the Department of State building.
Sec. 127. Inclusion of coercive population control information in annual human rights report.
Sec. 128. Limitation on the use of a foreign mission in a manner incompatible with its status as a foreign mission.
Sec. 129. Allocation of shared costs at missions abroad.
Sec. 130. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.
Sec. 131. Purchasing and leasing of residences.
Sec. 132. Prohibition on acquisition of house for Secretary of State.
Sec. 133. United States Department of State freedom of expression.
Sec. 134. Repeal of Office of Policy and Program Review.
Sec. 135. Studies and planning for a consolidated training facility for the Foreign Service Institute.
Sec. 136. Restriction on supervision of Government employees by chiefs of mission.
Sec. 137. Study and report concerning the status of individuals with diplomatic immunity in the United States.
Sec. 138. Federal jurisdiction of direct actions against insurers of diplomatic agents.
Sec. 139. Enforcement of Case-Zablocki Act requirements.
Sec. 140. Annual country reports on terrorism.
Sec. 141. Restriction on use of funds for public diplomacy efforts.
Sec. 142. Authority to invest and recover expenses from international claims settlement funds.
PART C—DIPLOMATIC RECIPROcity AND SECURITY
Sec. 151. United States-Soviet Embassy Agreement; prohibition on use of Mt. Alto Site.
Sec. 152. Recovery of damages incurred as a result of Soviet intelligence activities directed at the new United States Embassy in Moscow.
Sec. 153. United States-Soviet reciprocity in matters relating to embassies.
Sec. 154. Report on personnel of Soviet state trading enterprises.
Sec. 155. Personnel security program for embassies in high intelligence threat countries.
Sec. 156. Accountability Review Boards.
Sec. 157. Prohibition on certain employment at United States diplomatic and consular missions in Communist Countries.
Sec. 158. Termination of retirement benefits for foreign national employees engaging in hostile intelligence activities.
Sec. 159. Report on employment of foreign nationals at foreign service posts abroad.
Sec. 160. Construction security certification.
Sec. 161. Protection from future hostile intelligence activities in the United States.
Sec. 162. Application of travel restrictions to personnel of certain countries and organizations.
Sec. 163. Counterintelligence polygraph

Screening of Diplomatic Security Service personnel.
Sec. 164. United States Embassy in Hungary.

PART D—PERSONNEL MATTERS

- Sec. 171. Commission to study Foreign Service personnel system.
Sec. 172. Protection of Civil Service employees.
Sec. 173. Compensation for certain State Department officials.
Sec. 174. Audit of merit personnel system of Foreign Service.
Sec. 175. Performance pay.
Sec. 176. Extension of limited appointments.
Sec. 177. Chief of missions salary.
Sec. 178. Pay level of ambassadors at large.
Sec. 179. Foreign Service career candidates tax treatment.
Sec. 180. Prohibition on member of a Foreign Service union negotiating on behalf of the Department of State.
Sec. 181. Clarification of jurisdiction of foreign service grievance board.
Sec. 182. Record of grievances awarded.
Sec. 183. Women and minorities in the Foreign Service.
Sec. 184. Compliance with law requiring reports to Congress.
Sec. 185. Changes in reporting requirements.
Sec. 186. Disposition of personal property abroad.
Sec. 187. Authorities for service of Pascell fellows.
Sec. 188. Benefits for certain former spouses of members of the Foreign Service.

TITLE II—UNITED STATES INFORMATION AGENCY

- Sec. 201. Authorization of appropriations; allocation of funds.
Sec. 202. Funds appropriated for the United States Information Agency.
Sec. 203. Receipts from English-teaching and library programs.
Sec. 204. USIA posts and personnel overseas.
Sec. 205. Forty-year leaving authority.
Sec. 206. United States Information Agency programming on Afghanistan.
Sec. 207. Television service of the United States Information Agency.
Sec. 208. Limitation on Worldnet funding.
Sec. 209. Audience survey of Worldnet program.
Sec. 210. National Endowment for Democracy.
Sec. 211. Separate accounts for NED grants.
Sec. 212. NED treatment of independent labor unions.
Sec. 213. United States Advisory Commission on Public Diplomacy.
Sec. 214. Distribution within the United States of USIA film entitled "America The Way I See It".
Sec. 215. Availability of certain USIA photographs for distribution within the United States by the Department of Defense.
Sec. 216. USIA undergraduate scholarship program.

TITLE III—EDUCATIONAL AND CULTURAL AFFAIRS

- Sec. 301. Authorizations of appropriations.
Sec. 302. Samantha Smith Memorial Exchange Program.
Sec. 303. The Arts America Program.
Sec. 304. Professorship on constitutional democracy.
Sec. 305. United States-India Fund.
Sec. 306. The Edward Zorinsky Memorial Library.
Sec. 307. Cultural Property Advisory Committee.

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TITLE IV—VOICE OF AMERICA

- Sec. 401. Authorizations of appropriations.
 Sec. 402. Voice of America/Europe.
 Sec. 403. Contractor requirements.

TITLE V—THE BOARD FOR INTERNATIONAL BROADCASTING

- Sec. 501. Authorization of appropriations; allocation of funds.
 Sec. 502. Reserve for offsetting downward fluctuations in overseas rates.
 Sec. 503. Certification of certain creditable service.

TITLE VI—ASIA FOUNDATION

- Sec. 601. Authorization of appropriations.

TITLE VII—INTERNATIONAL ORGANIZATIONS

PART A—UNITED NATIONS

- Sec. 701. Probable exemptions to the United Nations employee hiring freeze.
 Sec. 702. Reform in the budget decisionmaking procedures of the United Nations and its specialized agencies.
 Sec. 703. Housing allowances of international civil servants.
 Sec. 704. United States participation in the United Nations if Israel is illegally expelled.
 Sec. 705. United Nations projects whose primary purpose is to benefit the Palestine Liberation Organization.
 Sec. 706. Public access to United Nations War Crimes Commission files.
 Sec. 707. Report on policies pursued by other countries in international organizations.
 Sec. 708. Protection of Tyre by the United Nations Interim Force in Lebanon.

PART B—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

- Sec. 721. Establishment of Commission.
 Sec. 722. Purposes of the Commission.
 Sec. 723. Membership of the Commission.
 Sec. 724. Powers of the Commission.
 Sec. 725. Staff.
 Sec. 726. Report.
 Sec. 727. Funding for the Commission.
 Sec. 728. General Accounting Office audits of the Commission.
 Sec. 729. Termination of the Commission.
 Sec. 730. Effective date.

PART B—OTHER INTERNATIONAL ORGANIZATIONS

- Sec. 741. Privileges and immunities to offices of mission to the United States of the Commission of the European Communities.
 Sec. 742. Contribution to the regular budget of the International Committee of the Red Cross and sense of Congress concerning recognition of Red Shield of David.
 Sec. 743. Immunities for the International Committee on the Red Cross.
 Sec. 744. North Atlantic Assembly.
 Sec. 745. United States membership in Intergovernmental Committee for European Migration.
 Sec. 746. Recognition of CARICOM.
 Sec. 747. Asian-Pacific regional human rights convention.

TITLE VIII—INTERNATIONAL NARCOTICS CONTROL

- Sec. 801. Assignment of Drug Enforcement Administration agents abroad.
 Sec. 802. Quarterly reports on prosecution of those responsible for the torture and murder of Drug Enforcement Administration agents in Mexico.
 Sec. 803. Requirement that extradition of

drug traffickers be a priority issue of United States missions in major illicit drug producing or transit countries.

- Sec. 804. Information-sharing system so that visas are denied to drug traffickers.
 Sec. 805. Certification procedures for drug producing and drug-transit countries and inclusion of specific agency comments.
 Sec. 806. Sanctions on drug producing and drug-transit countries.

TITLE IX—IMMIGRATION AND REFUGEE PROVISIONS

- Sec. 901. Prohibition on exclusion or deportation of aliens on certain grounds.
 Sec. 902. Adjustment to lawful resident status of certain nationals of countries for which extended voluntary departure has been made available.
 Sec. 903. Processing of Cuban nationals for admission to the United States.
 Sec. 904. Indochinese refugee resettlement.
 Sec. 905. Amerasian children in Vietnam.
 Sec. 906. Refugees from Southeast Asia.
 Sec. 907. Release of Yang Wei.

TITLE X—ANTI-TERRORISM ACT OF 1987

- Sec. 1001. Short title.
 Sec. 1002. Findings; determinations.
 Sec. 1003. Prohibitions regarding the PLO.
 Sec. 1004. Enforcement.
 Sec. 1005. Effective date.

PART XI—GLOBAL CLIMATE PROTECTION

- Sec. 1101. Short title.
 Sec. 1102. Findings.
 Sec. 1103. Mandate for action on the global climate.
 Sec. 1104. Report to Congress.
 Sec. 1105. International year of global climate protection.
 Sec. 1106. Climate protection and United States-Soviet relations.

TITLE XII—REGIONAL FOREIGN RELATIONS MATTERS

PART A—SOVIET UNION AND EASTERN EUROPE

- Sec. 1201. Soviet ballistic missile tests near Hawaii.
 Sec. 1202. Emigration of Jews and others who wish to emigrate from the Soviet Union.
 Sec. 1203. Systematic nondelivery of international mail addressed to certain persons residing within the Soviet Union.
 Sec. 1204. United States Policy against persecution of Christians in Eastern Europe and the Soviet Union.
 Sec. 1205. Observance by the Government of Romania of the human rights of Hungarians in Transylvania.
 Sec. 1206. Self-determination of the people from the Baltic states of Estonia, Latvia, and Lithuania.
 Sec. 1207. Assistance in support of democracy in Poland.

PART B—LATIN AMERICA AND CUBA

- Sec. 1211. Cuban human rights violations and the failure of the United Nations to place Cuba on its human rights agenda.
 Sec. 1212. Partial lifting of the trade embargo against Nicaragua.
 Sec. 1213. Terrorist bombing in Honduras.
 Sec. 1214. Human rights in Paraguay.

PART C—AFRICA

- Sec. 1221. Human rights in Eritrea.
 Sec. 1222. United States policy on Angola.
 Sec. 1223. Forced detention by the African

National Congress and the South African Government.

- Sec. 1224. Detention of children in South Africa.

PART D—MIDDLE EAST

- Sec. 1231. Middle East peace conference.
 Sec. 1232. United States policy toward Lebanon.
 Sec. 1233. Acting in accordance with international law in the Persian Gulf.
 Sec. 1234. United States policy toward the Iran-Iraq war.
 Sec. 1235. Iran human rights violations.
 Sec. 1236. Iran's persecution of the Baha'is.

PART E—ASIA

- Sec. 1241. Soviet occupation of Afghanistan.
 Sec. 1242. Report on Administration policy on Afghanistan.
 Sec. 1243. Human rights violations in Tibet by the People's Republic of China.
 Sec. 1244. Support for the right of self-determination for the Cambodian people.
 Sec. 1245. Human rights in the People's Republic of China.
 Sec. 1246. Democracy in Taiwan.

PART F—MISCELLANEOUS

- Sec. 1251. Reports on illegal technology transfers.
 Sec. 1252. Report on progress toward a world summit on terrorism.
 Sec. 1253. Protection of Americans endangered by the appearance of their place of birth on their passports.
 Sec. 1254. Support of mutual defense alliances.
 Sec. 1255. Arms export control enforcement and coordination.

TITLE XIII—EFFECTIVE DATE

- Sec. 1301. Effective date.

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the Department of State to carry out the authorized functions, duties, and responsibilities in the conduct of the foreign affairs of the United States:

(1) For "Salaries and Expenses" of the Department of State (other than the Diplomatic Security Program), \$1,431,908,000 for the fiscal year 1988 and \$1,460,548,000 for the fiscal year 1989, of which not less than \$250,000 for each fiscal year shall be available only for use by the Bureau of International Communications and Information Policy to support international institutional development and other activities which promote international communications and information development.

(2) For "Acquisition and Maintenance of Buildings Abroad" (other than the Diplomatic Security Program), \$312,124,000 for the fiscal year 1988 and \$319,386,000 for the fiscal year 1989.

(3) For "Representation Allowances", \$4,460,000 for the fiscal year 1988 and \$4,549,000 for the fiscal year 1989.

(4) For "Emergencies in the Diplomatic and Consular Service", \$4,000,000 for the fiscal year 1988 and \$4,000,000 for the fiscal year 1989.

(5) For "Payment to the American Institute in Taiwan", \$9,379,000 for the fiscal year 1988 and \$9,567,000 for the fiscal year 1989.

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States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

SEC. 152 UNITED STATES-SOVIET RECIPROcity IN MATTERS RELATING TO EMBASSIES

(a) **REQUIREMENT FOR RECIPROcity IN CERTAIN MATTERS.**—The Secretary of State shall exercise the authority granted in title II of the State Department Basic Authorities Act of 1956 (relating to foreign missions) to obtain the full cooperation of the Soviet Government in achieving the following objectives by October 1, 1989:

(1) **FINANCE.**—United States diplomatic and consular posts in the Soviet Union not pay more than fair value for goods or services as a result of the Soviet Government's control over Soviet currency valuation and over the pricing of goods and services.

(2) **ACCESS TO GOODS AND SERVICES.**—United States diplomatic and consular posts in the Soviet Union have full access to goods and services, including utilities.

(3) **REAL PROPERTY.**—The real property used for office purposes, the real property used for residential purposes, and the real property used for all other purposes by United States diplomatic and consular posts in the Soviet Union is comparable in terms of quantity and quality to the real property used for each of those purposes by diplomatic and consular posts of the Soviet mission to the United States.

(b) **SOVIET CONSULATES IN THE UNITED STATES.**—The Secretary of State shall not allow the Soviet mission to the United States to occupy any new consulate in the United States until the United States mission in Kiev is able to occupy secure permanent facilities.

(c) **SECRETARY OF THE TREASURY.**—The Secretary of the Treasury shall provide to the Secretary of State such assistance with respect to the implementation of paragraph (1) of subsection (a) as the Secretary of State may request.

(d) **REPORTS TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act and annually thereafter, the Secretary of State shall submit to the Congress a report setting forth the actions taken and planned to be taken in carrying out subsection (a).

(e) **DEFINITION OF BENEFIT.**—Paragraph (1) of section 202(a) of the title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(1)) commonly referred to as the Foreign Missions Act) is amended—

(1) by striking out "and" at the end of subparagraph (E);

(2) in subparagraph (F), by inserting "and" after "services"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) financial and currency exchange services."

SEC. 154 REPORT ON PERSONNEL OF SOVIET STATE TRADING ENTERPRISES

Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report discussing whether the number of personnel of Soviet state trading enterprises in the United States should be reduced.

SEC. 155 PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN HIGH INTELLIGENCE THREAT COUNTRIES

(a) **SPECIAL SECURITY PROGRAM.**—The Secretary of State shall develop and implement within three months after the date of enactment of this Act, a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

(2) counterintelligence awareness and related training;

(3) security reporting and command arrangements designed to counter intelligence threats; and

(4) length of duty criteria and policies regarding rest and recuperative absences.

(b) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this subsection, the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

(c) **DEFINITION.**—As used in subsection (a), the term "high intelligence threat country" means—

(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961; and

(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.

SEC. 156 ACCOUNTABILITY REVIEW BOARDS

(a) **ESTABLISHMENT OF A BOARD.**—Section 301 of the Diplomatic Security Act (22 U.S.C. 4831) is amended—

(1) by inserting ", and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad," after "mission abroad"; and

(2) by inserting after the first sentence thereof the following new sentence: "With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review Board if, after consultation with the Chairman of the Select Committee on Intelligence of the Senate and the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board."

(b) **BOARD FINDINGS.**—Section 304(a) of that Act (22 U.S.C. 4834(a)) is amended by inserting "or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be)" after "mission abroad" the first place it appears.

SEC. 157 PROHIBITION ON CERTAIN EMPLOYMENT AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN COMMUNIST COUNTRIES

(a) **PROHIBITION.**—After September 30, 1990, no national of a Communist country may be employed as a foreign national employee in any area of a United States diplomatic or consular facility in any Communist country where classified materials are maintained.

(b) **DEFINITION.**—As used in this section, the term "Communist country" means a country listed in section 620(f) of the Foreign Assistance Act of 1961.

(c) **ADDITIONAL FUNDS FOR HIRING UNITED STATES CITIZENS.**—The Congress expresses its willingness to provide additional funds to the Department of State for the expenses of employing United States nationals to replace the individuals dismissed by reason of subsection (a).

(d) **REPORT AND REQUEST FOR FUNDS.**—As a part of the Department of State's authorization request for fiscal years 1990 and 1991, the Secretary of State, in consultation with the heads of all relevant agencies, shall submit—

(1) a report which shall include—

(A) a feasibility study of the implementation of this section; and

(B) an analysis of the impact of the implementation of this section on the budget of the Department of State; and

(2) a request for funds necessary for the implementation of this section pursuant to the findings and conclusions specified in the report under paragraph (1).

(e) **WAIVER.**—The President may waive this section—

(1) if funds are not specifically authorized and appropriated to carry out this section; or

(2) if the President determines that it is in the national security interest of the United States to continue to employ foreign service nationals.

The President shall notify the appropriate committees of Congress each time he makes the waiver conferred on him by this section.

SEC. 158 TERMINATION OF RETIREMENT BENEFITS FOR FOREIGN NATIONAL EMPLOYEES ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES

(a) **TERMINATION.**—The Secretary of State shall exercise the authorities available to him to ensure that the United States does not provide, directly or indirectly, any retirement benefits of any kind to any present or former foreign national employee of a United States diplomatic or consular post against whom the Secretary has convincing evidence that such employee has engaged in intelligence activities directed against the United States. To the extent practicable, the Secretary shall provide due process in implementing this section.

(b) **WAIVER.**—The Secretary of State may waive the applicability of subsection (a) on a case-by-case basis with respect to an employee if he determines that it is vital to the national security of the United States to do so and he reports such waiver to the appropriate committees of the Congress.

SEC. 159 REPORT ON EMPLOYMENT OF FOREIGN NATIONALS AT FOREIGN SERVICE POSTS ABROAD

Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Director of Central Intelligence, the Director of the United States Information Agency, and the Director of the Peace Corps, shall submit to the Congress a report discussing the advisability of employing foreign nationals at foreign service posts abroad (including their access to automatic data processing systems and networks).

SEC. 159 CONSTRUCTION SECURITY CERTIFICATION

(a) **CERTIFICATION.**—Before undertaking any new construction or major renovation project in any foreign facility intended for the storage of classified materials or the conduct of classified activities, the Secretary of State, after consultation with the Director of Central Intelligence, shall certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed); and

(2) the facility resulting from such project incorporates—

(A) adequate measures for protecting classified information and national security-related activities; and

(B) adequate protection for the personnel working in the diplomatic facility.

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