

109TH CONGRESS
2^D SESSION

H. R. 6060

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Received

AN ACT

To authorize certain activities by the Department of State,
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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Department of State Authorities Act of 2006”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Fraud prevention and detection account.
- Sec. 3. Education allowances.
- Sec. 4. Interference with protective functions.
- Sec. 5. Persons excused from payment of fees for execution and issuance of
passports.
- Sec. 6. Authority to administratively amend surcharges.
- Sec. 7. Extension of privileges and immunities.
- Sec. 8. Removal of contracting prohibition.
- Sec. 9. Personal services contracting.
- Sec. 10. Proliferation interdiction support.
- Sec. 11. Safeguarding and elimination of conventional arms.
- Sec. 12. Imposition of sanctions to deter the transfer of MANPADS.
- Sec. 13. Additional authorities.

6 **SEC. 2. FRAUD PREVENTION AND DETECTION ACCOUNT.**

7 Section 286(v)(2)(A) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

9 (1) in clause (i), by inserting “or primarily”
10 after “exclusively”; and

11 (2) by amending clause (ii) to read as follows:

12 “(ii) otherwise to prevent and detect
13 visa fraud, including primarily fraud by
14 applicants for visas described in subpara-
15 graph (H)(i), (H)(ii), or (L) of section
16 101(a)(15), in cooperation with the Sec-
17 retary of Homeland Security or pursuant
18 to the terms of a memorandum of under-
19 standing or other agreement between the

1 Secretary of State and the Secretary of
2 Homeland Security; and”.

3 **SEC. 3. EDUCATION ALLOWANCES.**

4 Section 5924(4) of title 5, United States Code, is
5 amended—

6 (1) in the first sentence of subparagraph (A),
7 by inserting “United States” after “nearest”;

8 (2) by amending subparagraph (B) to read as
9 follows:

10 “(B) The travel expenses of dependents of
11 an employee to and from a secondary or post-
12 secondary educational institution, not to exceed
13 one annual trip each way for each dependent,
14 except that an allowance payment under sub-
15 paragraph (A) may not be made for a depend-
16 ent during the 12 months following the arrival
17 of the dependent at the selected educational in-
18 stitution under authority contained in this sub-
19 paragraph.”; and

20 (3) by adding at the end the following:

21 “(D) Allowances provided pursuant to sub-
22 paragraphs (A) and (B) may include, at the
23 election of the employee, payment or reimburse-
24 ment of the costs incurred to store baggage for
25 the employee’s dependent at or in the vicinity of

1 the dependent’s school during one trip per year
2 by the dependent between the school and the
3 employee’s duty station, except that such pay-
4 ment or reimbursement may not exceed the cost
5 that the Government would incur to transport
6 the baggage in connection with the trip, and
7 such payment or reimbursement shall be in lieu
8 of transportation of the baggage.”.

9 **SEC. 4. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

10 (a) OFFENSE.—Chapter 7 of title 18, United States
11 Code, is amended by adding at the end the following:

12 **“§ 118. Interference with certain protective functions**

13 “Any person who knowingly and willfully obstructs,
14 resists, or interferes with a Federal law enforcement agent
15 engaged, within the United States or the special maritime
16 territorial jurisdiction of the United States, in the per-
17 formance of the protective functions authorized under sec-
18 tion 37 of the State Department Basic Authorities Act
19 of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic
20 Security Act (22 U.S.C. 4802) shall be fined under this
21 title, imprisoned not more than 1 year, or both.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following:

“118. Interference with certain protective functions.”.

1 **SEC. 5. PERSONS EXCUSED FROM PAYMENT OF FEES FOR**
2 **EXECUTION AND ISSUANCE OF PASSPORTS.**

3 Section 1(a) of the Act of June 4, 1920 (22 U.S.C.
4 214(a)) is amended—

5 (1) by striking “or from a widow” and inserting
6 “from a widow”; and

7 (2) by inserting “; or from an individual or in-
8 dividuals abroad, returning to the United States,
9 when the Secretary determines that foregoing the
10 collection of such fee is justified for humanitarian
11 reasons or for law enforcement purposes” after
12 “such member” the second place it appears.

13 **SEC. 6. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**
14 **CHARGES.**

15 (a) IN GENERAL.—Beginning in fiscal year 2007 and
16 thereafter, the Secretary of State is authorized to amend
17 administratively the amounts of the surcharges related to
18 consular services in support of enhanced border security
19 (provided for in the last paragraph under the heading
20 “DIPLOMATIC AND CONSULAR PROGRAMS” under title IV
21 of division B of the Consolidated Appropriations Act, 2005
22 (Public Law 108–447)) that are in addition to the pass-
23 port and immigrant visa fees in effect on January 1, 2004.

24 (b) REQUIREMENTS.—In carrying out subsection (a)
25 and the provision of law described in such subsection, the
26 Secretary shall meet the following requirements:

1 (1) The amounts of the surcharges shall be rea-
2 sonably related to the costs of providing services in
3 connection with the activity or item for which the
4 surcharges are charged.

5 (2) The aggregate amount of surcharges col-
6 lected may not exceed the aggregate amount obli-
7 gated and expended for the costs related to consular
8 services in support of enhanced border security in-
9 curred in connection with the activity or item for
10 which the surcharges are charged.

11 (3) A surcharge may not be collected except to
12 the extent the surcharge will be obligated and ex-
13 pended to pay the costs related to consular services
14 in support of enhanced border security incurred in
15 connection with the activity or item for which the
16 surcharge is charged.

17 (4) A surcharge shall be available for obligation
18 and expenditure only to pay the costs related to con-
19 sular services in support of enhanced border security
20 incurred in providing services in connection with the
21 activity or item for which the surcharge is charged.

22 **SEC. 7. EXTENSION OF PRIVILEGES AND IMMUNITIES.**

23 (a) THE AFRICAN UNION.—Section 12 of the Inter-
24 national Organizations Immunities Act (22 U.S.C. 288f-
25 2) is amended—

1 (1) by inserting “(a)” before “The provisions”;

2 and

3 (2) by adding at the end the following:

4 “(b) Under such terms and conditions as the Presi-
5 dent shall determine, consistent with the purposes of this
6 title, the President is authorized to extend, or enter into
7 an agreement to extend, to the African Union Mission to
8 the United States of America, and to its members, the
9 privileges and immunities enjoyed by diplomatic missions
10 accredited to the United States, and by members of such
11 missions, subject to corresponding conditions and obliga-
12 tions.”.

13 (b) THE HOLY SEE.—Under such terms and condi-
14 tions as the President shall determine, the President is
15 authorized to extend, or to enter into an agreement to ex-
16 tend, to the Permanent Observer Mission of the Holy See
17 to the United Nations in New York, and to its members,
18 the privileges and immunities enjoyed by the diplomatic
19 missions of member states to the United Nations, and
20 their members, subject to corresponding conditions and
21 obligations.

22 **SEC. 8. REMOVAL OF CONTRACTING PROHIBITION.**

23 Section 406 of the Omnibus Diplomatic Security and
24 Antiterrorism Act of 1986 (22 U.S.C. 4856) is amended
25 by striking subsection (c).

1 **SEC. 9. PERSONAL SERVICES CONTRACTING.**

2 Section 504 of the Foreign Relations Authorization
3 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
4 6206 note) is amended—

5 (1) in subsection (a), by striking “broadcasters,
6 producers, and writers” and inserting “broadcasters
7 and other broadcasting specialists”; and

8 (2) in subsection (c), by striking “December 31,
9 2006” and inserting “December 31, 2007”.

10 **SEC. 10. PROLIFERATION INTERDICTION SUPPORT.**

11 (a) ASSISTANCE.—Consistent with section 583 of the
12 Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–2),
13 as amended by subsection (c), the President is authorized
14 to provide assistance to friendly foreign countries for pro-
15 liferation detection and interdiction activities and for de-
16 veloping complementary capabilities.

17 (b) REPORT ON EXISTING PROLIFERATION DETEC-
18 TION AND INTERDICTION ASSISTANCE.—

19 (1) REPORT REQUIRED.—Not later than 180
20 days after the date of the enactment of this Act, the
21 President shall submit to the Committee on Inter-
22 national Relations of the House of Representatives
23 and the Committee on Foreign Relations of the Sen-
24 ate a report on proliferation and interdiction assist-
25 ance.

1 (2) CONTENT.—The report required under
2 paragraph (1) shall—

3 (A) specify in detail, including program
4 cost, on a country-by-country basis, the assist-
5 ance being provided by the Department of State
6 to train and equip personnel in friendly foreign
7 countries in the detection and interdiction of
8 proliferation-related shipments of weapons of
9 mass destruction, related materials and means
10 of delivery, and dual-use items of proliferation
11 concern; and

12 (B) specify, on an agency-by-agency basis,
13 funding that is being transferred by the De-
14 partment of State to other executive agencies to
15 carry out such programs.

16 (c) INTERDICTION ASSISTANCE AMENDMENTS.—Sec-
17 tion 583 of the Foreign Assistance Act of 1961 (22 U.S.C.
18 2349bb–2) is amended—

19 (1) in subsection (a)—

20 (A) by striking “should ensure that” and
21 inserting “shall ensure that, beginning in fiscal
22 year 2007,”;

23 (B) by striking “expended” and inserting
24 “obligated”; and

1 (C) by striking “that originate from, and
2 are destined for, other countries” and inserting
3 “to non-state actors and states of proliferation
4 concern”; and

5 (2) by adding at the end the following new sub-
6 sections:

7 “(c) COOPERATIVE AGREEMENTS.—In order to pro-
8 mote cooperation regarding the interdiction of weapons of
9 mass destruction and related materials and delivery sys-
10 tems, the President is authorized to conclude agreements,
11 including reciprocal maritime agreements, with other
12 countries to facilitate effective measures to prevent the
13 transportation of such items to non-state actors and states
14 of proliferation concern.

15 “(d) DETERMINATION AND NOTICE TO CONGRESS.—
16 The Secretary of State shall notify the Committee on
17 International Relations of the House of Representatives
18 and the Committee on Foreign Relations of the Senate
19 in writing not more than 30 days after making a deter-
20 mination that any friendly country has been determined
21 to be a country eligible for priority consideration of any
22 assistance under subsection (a). Such determination shall
23 set forth the reasons for such determination, and may be
24 submitted in classified and unclassified form, as nec-
25 essary.”.

1 **SEC. 11. SAFEGUARDING AND ELIMINATION OF CONVEN-**
2 **TIONAL ARMS.**

3 (a) **IN GENERAL.**—The Secretary of State is author-
4 ized to secure, remove, or eliminate stocks of man-portable
5 air defense systems (MANPADS), small arms and light
6 weapons, stockpiled munitions, abandoned ordnance, and
7 other conventional weapons, including tactical missile sys-
8 tems (hereafter in this section referred to as “MANPADS
9 and other conventional weapons”), as well as related
10 equipment and facilities, located outside the United States
11 that are determined by the Secretary to pose a prolifera-
12 tion threat.

13 (b) **ELEMENTS.**—The activities authorized under
14 subsection (a) may include the following:

15 (1) Humanitarian demining activities.

16 (2) The elimination or securing of MANPADS.

17 (3) The elimination or securing of other conven-
18 tional weapons.

19 (4) Assistance to countries in the safe handling
20 and proper storage of MANPADS and other conven-
21 tional weapons.

22 (5) Cooperative programs with the North Atlan-
23 tic Treaty Organization and other international or-
24 ganizations to assist countries in the safe handling
25 and proper storage or elimination of MANPADS
26 and other conventional weapons.

1 (6) The utilization of funds for the elimination
2 or safeguarding of MANPADS and other conven-
3 tional weapons.

4 (7) Activities to secure and safeguard
5 MANPADS and other conventional weapons.

6 (8) Actions to ensure that equipment and
7 funds, including security upgrades at locations for
8 the storage or disposition of MANPADS and other
9 conventional weapons and related equipment that
10 are determined by the Secretary of State to pose a
11 proliferation threat, continue to be used for author-
12 ized purposes.

13 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
14 tion shall be construed to affect the authorities of the Sec-
15 retary of Defense.

16 **SEC. 12. IMPOSITION OF SANCTIONS TO DETER THE TRANS-**
17 **FER OF MANPADS.**

18 (a) **STATEMENT OF POLICY.**—Congress declares that
19 it should be the policy of the United States to hold foreign
20 governments accountable for knowingly transferring
21 MANPADS to state-sponsors of terrorism or terrorist or-
22 ganizations.

23 (b) **DETERMINATION RELATING TO SANCTIONS.**—

24 (1) **IN GENERAL.**—If the President determines
25 that a foreign government knowingly transfers

1 MANPADS to a foreign government described in
2 paragraph (2) or a terrorist organization, the Presi-
3 dent shall—

4 (A) submit forthwith to the Committee on
5 International Relations of the House of Rep-
6 resentatives and the Committee on Foreign Re-
7 lations of the Senate a report containing such
8 determination; and

9 (B) impose forthwith on the transferring
10 foreign government the sanctions described in
11 subsection (c).

12 (2) FOREIGN GOVERNMENT DESCRIBED.—A
13 foreign government described in this paragraph is a
14 foreign government that the Secretary of State has
15 determined, for purposes of section 6(j) of the Ex-
16 port Administration Act of 1979, section 620A of
17 the Foreign Assistance Act of 1961, section 40 of
18 the Arms Export Control Act, or any other provision
19 of law, is a government that has repeatedly provided
20 support for acts of international terrorism.

21 (c) SANCTIONS DESCRIBED.—The sanctions referred
22 to in subsection (b)(1)(B) are the following:

23 (1) Termination of United States Government
24 assistance to the transferring foreign government
25 under the Foreign Assistance Act of 1961, except

1 that such termination shall not apply in the case of
2 humanitarian assistance.

3 (2) Termination of United States Govern-
4 ment—

5 (A) sales to the transferring foreign gov-
6 ernment of any defense articles, defense serv-
7 ices, or design and construction services; and

8 (B) licenses for the export to the transfer-
9 ring foreign government of any item on the
10 United States Munitions List.

11 (3) Termination of all foreign military financing
12 for the transferring foreign government.

13 (d) WAIVER.—Notwithstanding any other provision
14 of law, sanctions shall not be imposed on a transferring
15 foreign government under this section if the President de-
16 termines and certifies in writing to the Committee on
17 International Relations of the House of Representatives
18 and the Committee on Foreign Relations of the Senate
19 that the furnishing of the assistance, sales, licensing, or
20 financing that would otherwise be suspended as a result
21 of the imposition of such sanctions is important to the
22 national security interests of the United States.

23 (e) DEFINITIONS.—In this section:

1 (1) DEFENSE ARTICLE.—The term “defense ar-
2 ticle” has the meaning given the term in section
3 47(3) of the Arms Export Control Act.

4 (2) DEFENSE SERVICE.—The term “defense
5 service” has the meaning given the term in section
6 47(4) of the Arms Export Control Act.

7 (3) DESIGN AND CONSTRUCTION SERVICES.—
8 The term “design and construction services” has the
9 meaning given the term in section 47(8) of the Arms
10 Export Control Act.

11 (4) FOREIGN GOVERNMENT.—The term “for-
12 eign government” includes any agency or instrumen-
13 tality of a foreign government.

14 (5) MANPADS.—The term “MANPADS”
15 means—

16 (A) a surface-to-air missile system de-
17 signed to be man-portable and carried and fired
18 by a single individual; or

19 (B) any other surface-to-air missile system
20 designed to be operated and fired by more than
21 one individual acting as a crew and portable by
22 several individuals.

23 **SEC. 13. ADDITIONAL AUTHORITIES.**

24 (a) WAR RESERVES STOCKPILE.—

1 (1) DEPARTMENT OF DEFENSE APPROPRIA-
2 TIONS ACT, 2005.—Section 12001 of the Department
3 of Defense Appropriations Act, 2005 (Public Law
4 108–287; 118 Stat. 1011), is amended—

5 (A) in subsection (a)(2)(D), by striking
6 “as of the date of enactment of this Act,”; and

7 (B) in subsection (d), by striking “2” and
8 inserting “4”.

9 (2) FOREIGN ASSISTANCE ACT OF 1961.—Sec-
10 tion 514(b)(2) of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2321h(b)(2)) is amended—

12 (A) in subparagraph (A)—

13 (i) by striking “\$100,000,000” and
14 inserting “\$200,000,000”; and

15 (ii) by striking “2004 and 2005” and
16 inserting “2007 and 2008”; and

17 (B) in subparagraph (B), by striking
18 “\$100,000,000” and inserting “\$200,000,000”.

19 (3) EFFECTIVE DATE.—The amendment made
20 by paragraph (1)(B) takes effect on August 5, 2006.

21 (b) EXTENSION OF AUTHORITY TO PROVIDE LOAN
22 GUARANTEES.—Chapter 5 of title I of the Emergency
23 Wartime Supplemental Appropriations Act, 2003 (Public
24 Law 108–11), is amended in the item relating to “LOAN
25 GUARANTEES TO ISRAEL”—

1 (1) in the matter preceding the first proviso, by
2 striking “September 30, 2007” and inserting “Sep-
3 tember 30, 2011”; and

4 (2) in the second proviso, by striking “Sep-
5 tember 30, 2007” and inserting “September 30,
6 2011”

Passed the House of Representatives December 8,
2006.

Attest:

KAREN L. HAAS,

Clerk.