

## Union Calendar No. 425

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 6060****[Report No. 109-706]**

To authorize certain activities by the Department of State, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2006

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on International Relations

SEPTEMBER 29, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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**A BILL**

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,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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. Protection of refugees from North Korea.
- Sec. 5. Interference with protective functions.
- Sec. 6. Incitement to acts of discrimination.
- Sec. 7. Persons excused from payment of fees for execution and issuance of  
 passports.
- Sec. 8. Authority to administratively amend surcharges.
- Sec. 9. Extension of privileges and immunities.
- Sec. 10. Property disposition.
- Sec. 11. Services for children with autism at overseas missions.
- Sec. 12. Removal of contracting prohibition.
- Sec. 13. Assistance for maternal and prenatal care for certain individuals of  
 Belarus and Ukraine affected by the Chernobyl disaster.
- Sec. 14. Foreign Service pay for performance system.
- Sec. 15. Pay for performance interim schedule.
- Sec. 16. Uniform compensation for worldwide service.
- Sec. 17. Technical and conforming amendments.
- Sec. 18. Dual gateway policy of the Government of Ireland.
- Sec. 19. Personal services contracting program.
- Sec. 20. Worldwide availability.

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

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

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

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

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

1 standing or other agreement between the  
2 Secretary of State and the Secretary of  
3 Homeland Security; and”.

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

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

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

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

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

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

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

1 the employee's dependent at or in the vicinity of  
2 the dependent's school during the dependent's  
3 annual trip between the school and the employ-  
4 ee's duty station, except that such payment or  
5 reimbursement may not exceed the cost that the  
6 Government would incur to transport the bag-  
7 gage in connection with the annual trip, and  
8 such payment or reimbursement shall be in lieu  
9 of transportation of the baggage.”.

10 **SEC. 4. PROTECTION OF REFUGEES FROM NORTH KOREA.**

11 (a) RESPONSIBILITIES OF THE SPECIAL ENVOY ON  
12 HUMAN RIGHTS IN NORTH KOREA.—Section 107(c) of  
13 the North Korean Human Rights Act of 2004 (Public Law  
14 108–333) is amended—

15 (1) in paragraph (5), by striking “and” at the  
16 end;

17 (2) in paragraph (6), by striking the period at  
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new  
20 paragraph:

21 “(7) help coordinate efforts by the Secretary of  
22 State to assist North Korean refugees and migrants,  
23 including the activities directed by section 303.”.

1 (b) REPORTING REQUIREMENTS.—Section 305(a) of  
2 the North Korean Human Rights Act of 2004 is amend-  
3 ed—

4 (1) in paragraph (1), by striking “and” at the  
5 end;

6 (2) in paragraph (2), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new  
9 paragraph:

10 “(3) a detailed description of the measures un-  
11 dertaken by the Secretary of State to carry out sec-  
12 tion 303, including country-specific information with  
13 respect to United States efforts to secure the co-  
14 operation and permission of the governments of  
15 countries in East and Southeast Asia to facilitate  
16 United States processing of North Koreans seeking  
17 protection as refugees. The information required by  
18 this paragraph may be provided in a classified for-  
19 mat, if necessary.”.

20 **SEC. 5. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

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

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

24 “Any person who knowingly and willfully obstructs,  
25 resists, or interferes with a Federal law enforcement agent

1 engaged, within the United States or the special maritime  
2 territorial jurisdiction of the United States, in the per-  
3 formance of the protective functions authorized under sec-  
4 tion 37 of the State Department Basic Authorities Act  
5 of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic  
6 Security Act (22 U.S.C. 4802) shall be fined under this  
7 title, imprisoned not more than 1 year, or both.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by adding  
10 at the end the following:

“Sec. 118. Interference with certain protective functions.”.

11 **SEC. 6. INCITEMENT TO ACTS OF DISCRIMINATION.**

12 (a) INCLUSION OF INFORMATION RELATING TO IN-  
13 CITEMENT TO ACTS OF DISCRIMINATION IN ANNUAL  
14 COUNTRY REPORTS ON HUMAN RIGHT PRACTICES.—

15 (1) COUNTRIES RECEIVING ECONOMIC ASSIST-  
16 ANCE.—Section 116(d) of the Foreign Assistance  
17 Act of 1961 (22 U.S.C. 2151n(d)) is amended—

18 (A) in paragraph (10), by striking “and”  
19 at the end;

20 (B) in paragraph (11)(C), by striking the  
21 period at the end and inserting “; and”; and

22 (C) by adding at the end the following new  
23 paragraph:

24 “(12) wherever applicable, a description of the  
25 nature and extent of—

1           “(A) propaganda in foreign government  
2           and foreign government-controlled media and  
3           other sources, including foreign government-  
4           produced educational materials and textbooks,  
5           that attempt to justify or promote racial hatred  
6           or incite acts of violence against any race or  
7           people;

8           “(B) complicity or involvement by the for-  
9           eign government in the creation of such propa-  
10          ganda or incitement of acts of violence against  
11          any race or people; and

12          “(C) a description of the actions, if any,  
13          taken by the foreign government to eliminate  
14          such propaganda or incitement.”.

15          (2) COUNTRIES RECEIVING SECURITY ASSIST-  
16          ANCE.—Section 502B(b) of the Foreign Assistance  
17          Act of 1961 (22 U.S.C. 2304(b)) is amended by in-  
18          serting after the ninth sentence the following new  
19          sentence: “Each report under this section shall also  
20          include, wherever applicable, a description of the na-  
21          ture and extent of propaganda in foreign govern-  
22          ment and foreign government-controlled media and  
23          other sources, including foreign government-pro-  
24          duced educational materials and textbooks, that at-  
25          tempt to justify or promote racial hatred or incite

1 acts of violence against any race or people, com-  
2 plicity or involvement by the foreign government in  
3 the creation of such propaganda or incitement of  
4 acts of violence against any race or people, and a de-  
5 scription of the actions, if any, taken by the foreign  
6 government to eliminate such propaganda or incite-  
7 ment.”.

8 (b) EFFECTIVE DATE OF AMENDMENTS.—The  
9 amendments made by subsection (a) shall take effect on  
10 the date of the enactment of this Act and apply beginning  
11 with the first report submitted by the Secretary of State  
12 under sections 116(d) and 502B(b) of the Foreign Assist-  
13 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after  
14 such date.

15 **SEC. 7. PERSONS EXCUSED FROM PAYMENT OF FEES FOR**  
16 **EXECUTION AND ISSUANCE OF PASSPORTS.**

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

19 (1) by striking “or from a widow” and inserting  
20 “from a widow”; and

21 (2) by inserting “; or from an individual or in-  
22 dividuals abroad, returning to the United States,  
23 when the Secretary determines that foregoing the  
24 collection of such fee is justified for humanitarian

1 reasons or for law enforcement purposes” after  
2 “such member” the second place it appears.

3 **SEC. 8. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**  
4 **CHARGES.**

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

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

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

21 (2) The aggregate amount of surcharges col-  
22 lected may not exceed the aggregate amount obli-  
23 gated and expended for the costs related to consular  
24 services in support of enhanced border security in-

1 curred in connection with the activity or item for  
2 which the surcharges are charged.

3 (3) A surcharge may not be collected except to  
4 the extent the surcharge will be obligated and ex-  
5 pended to pay the costs related to consular services  
6 in support of enhanced border security incurred in  
7 connection with the activity or item for which the  
8 surcharge is charged.

9 (4) A surcharge shall be available for obligation  
10 and expenditure only to pay the costs related to con-  
11 sular services in support of enhanced border security  
12 incurred in providing services in connection with the  
13 activity or item for which the surcharge is charged.

14 **SEC. 9. EXTENSION OF PRIVILEGES AND IMMUNITIES.**

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

18 (1) in the header, by striking “ORGANIZATION  
19 OF AFRICAN UNITY” and inserting “AFRICAN  
20 UNION”;

21 (2) by inserting “(a)” before “The provisions”;  
22 and

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

24 “(b) Under such terms and conditions as the Presi-  
25 dent shall determine, consistent with the purposes of this

1 title, the President is authorized to extend, or enter into  
2 an agreement to extend, to the African Union Mission to  
3 the United States of America, and to its members, the  
4 privileges and immunities enjoyed by diplomatic missions  
5 accredited to the United States, and by members of such  
6 missions, subject to corresponding conditions and obliga-  
7 tions.”.

8 (b) BANK FOR INTERNATIONAL SETTLEMENTS.—  
9 The International Organizations Immunities Act (22  
10 U.S.C. 288 et seq.) is amended by adding at the end the  
11 following:

12 “SEC. 17. The provisions of this title may be ex-  
13 tended to the Bank for International Settlements in the  
14 same manner, to the same extent, and subject to the same  
15 conditions, as they may be extended to a public inter-  
16 national organization in which the United States partici-  
17 pates pursuant to any treaty or under the authority of  
18 any Act of Congress authorizing such participation or  
19 making an appropriation for such participation.”.

20 (c) THE HOLY SEE.—Under such terms and condi-  
21 tions as the President shall determine, the President is  
22 authorized to extend, or to enter into an agreement to ex-  
23 tend, to the Permanent Observer Mission of the Holy See  
24 to the United Nations in New York, and to its members,  
25 the privileges and immunities enjoyed by the diplomatic

1 missions of member states to the United Nations, and  
2 their members, subject to corresponding conditions and  
3 obligations.

4 **SEC. 10. PROPERTY DISPOSITION.**

5 Section 633(e) of the Departments of Commerce,  
6 Justice, and State, the Judiciary, and Related Agencies  
7 Appropriations Act, 2004 (division B of Public Law 108–  
8 199; 22 U.S.C. 2078(e)) is amended—

9 (1) by striking “The United States, through the  
10 Department of State, shall retain ownership of the  
11 Palazzo Corpi building in Istanbul, Turkey, and the”  
12 and inserting “The”; and

13 (2) by striking “at such location” and inserting  
14 “at an appropriate location”.

15 **SEC. 11. SERVICES FOR CHILDREN WITH AUTISM AT OVER-**  
16 **SEAS MISSIONS.**

17 (a) STUDY.—With respect to countries in which there  
18 is at least one mission of the United States, the Secretary  
19 of State shall conduct a study of the availability of pro-  
20 grams that address the special needs of children with au-  
21 tism, including the availability of speech therapists and  
22 pediatric occupational therapists at Department of De-  
23 fense sponsored schools. Such study shall include the esti-  
24 mated incidence of autism among dependents of members  
25 of the Foreign Service and dependents of specialist For-

1 eign Service personnel. Such study shall also include an  
2 analysis of the possibility of establishing “Educational  
3 Centers of Excellence” for such children.

4 (b) REPORT.—Not later than 30 days after the com-  
5 pletion of the study required under subsection (a), the Sec-  
6 retary shall submit to the Committee on International Re-  
7 lations of the House of Representatives and the Com-  
8 mittee on Foreign Relations of the Senate a report con-  
9 taining the findings of the study together with any rec-  
10 ommendations for related action.

11 **SEC. 12. REMOVAL OF CONTRACTING PROHIBITION.**

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

15 **SEC. 13. ASSISTANCE FOR MATERNAL AND PRENATAL**  
16 **CARE FOR CERTAIN INDIVIDUALS OF**  
17 **BELARUS AND UKRAINE AFFECTED BY THE**  
18 **CHERNOBYL DISASTER.**

19 Of the amounts made available for each of the fiscal  
20 years 2007 and 2008 to carry out chapters 11 and 12  
21 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.  
22 2295 et seq. and 2296 et seq.) and the FREEDOM Sup-  
23 port Act (22 U.S.C. 5801 et seq.), such sums as may be  
24 necessary for each such fiscal year are authorized to be  
25 available for assistance to improve maternal and prenatal

1 care, especially for the purpose of helping prevent birth  
2 defects and pregnancy complications, for individuals in the  
3 Republic of Belarus and Ukraine affected by the  
4 Chernobyl disaster.

5 **SEC. 14. FOREIGN SERVICE PAY FOR PERFORMANCE SYS-**  
6 **TEM.**

7 (a) PURPOSE.—The purposes of this section are—

8 (1) to recruit, retain, and reward high-per-  
9 forming Foreign Service members required to be  
10 available for worldwide assignment;

11 (2) to ensure performance management that ef-  
12 fectively communicates performance expectations  
13 and makes meaningful distinctions based upon rel-  
14 ative performance; and

15 (3) to institute a worldwide pay system, con-  
16 sistent with the requirement that Foreign Service  
17 members be available for worldwide assignment.

18 (b) FOREIGN SERVICE SCHEDULE.—Section 403 of  
19 the Foreign Service Act of 1980 (22 U.S.C. 3963) is  
20 amended to read as follows:

21 **“§ 403. Foreign service schedule**

22 “(a) ESTABLISHMENT.—The President shall estab-  
23 lish, and periodically adjust, a Foreign Service Schedule,  
24 which shall consist of 9 salary classes that apply to mem-  
25 bers of the Service who are citizens of the United States

1 and for whom salary rates are not otherwise provided  
2 under this chapter. The maximum salary rate for the high-  
3 est class established under this section, which shall be des-  
4 ignated class 1, may not exceed the rate of basic pay for  
5 level IV of the Executive Schedule under section 5315 of  
6 title 5, United States Code.

7 “(b) ADJUSTMENTS.—Any adjustment in the basic  
8 salary rates for members of the Service made at the time  
9 of a schedule adjustment under subsection (a) shall be  
10 made in accordance with section 406.”

11 (c) WITHIN CLASS SALARY INCREASES.—Section  
12 406 of the Foreign Service Act of 1980 (22 U.S.C. 3966)  
13 is amended to read as follows:

14 “§ 406. Within class salary increases

15 “(a) DETERMINATION.—The Secretary, in the Sec-  
16 retary’s sole and exclusive discretion, shall determine  
17 which basic salary rate within a band of rates of pay pre-  
18 scribed by the President under section 403(a) shall be paid  
19 to members of the Service, taking into account individual  
20 performance, contribution to the mission of the Depart-  
21 ment, or both, under a rigorous performance management  
22 system that—

23 “(1) makes meaningful distinctions based upon  
24 relative performance; and

1           “(2) clearly links individual pay and perform-  
2           ance under precepts prescribed by the Secretary.

3           “(b) EQUAL BASIC SALARY ADJUSTMENTS.—Not-  
4           withstanding subsection (a), the Secretary, in the Sec-  
5           retary’s sole and exclusive discretion, may provide equal  
6           basic salary adjustments for all career candidates or other  
7           members of the Service—

8           “(1) whose performance has not been reviewed  
9           by a selection board under section 602; and

10           “(2) who are found to meet the standards of  
11           performance for their class.

12           “(c) PERFORMANCE-BASED SALARY ADJUST-  
13           MENTS.—

14           “(1) IN GENERAL.—For performance-based pay  
15           adjustments, the Secretary in the Secretary’s sole  
16           and exclusive discretion, shall annually allocate an  
17           amount equal to or greater than the sum of—

18           “(A) an amount that would be sufficient to  
19           fund increases under section 406(a) of the For-  
20           eign Service Act as in effect on March 31,  
21           2008; and

22           “(B) the amount necessary to provide for  
23           pay adjustments based on mission require-  
24           ments, labor market conditions, availability of  
25           funds, pay adjustments received by employees

1 of other Federal agencies, and any other rel-  
2 evant factors.

3 “(2) FLEXIBILITY.—The formula set forth in  
4 paragraph (1) shall—

5 “(A) ensure that employees, in the aggre-  
6 gate, are not disadvantaged in terms of the  
7 overall amount of pay available as a result of  
8 conversion to the new foreign service perform-  
9 ance-based compensation system; and

10 “(B) provide flexibility to accommodate  
11 changes in the mix of employees performing  
12 those functions, and other changed cir-  
13 cumstances that might impact pay levels.

14 “(3) LIMITATION.—No performance-based sal-  
15 ary adjustments authorized by this section may be  
16 paid to any member of the Service if the perform-  
17 ance of the member falls below the standards of per-  
18 formance for the salary class of the member.”.

19 (d) EXCEPTIONS.—

20 (1) LOCALITY PAYMENTS FOR PRIOR SERV-  
21 ICE.—A member of the Foreign Service may not re-  
22 ceive a locality payment under section 5304 of title  
23 5, United States Code, for service performed on or  
24 after the first day of the first pay period beginning  
25 on or after April 1, 2008.

1           (2) PRIOR SERVICE PAY.—Except as provided  
2           in section 16(c)(1), a member of the Foreign Service  
3           may not receive a nonforeign area allowance or dif-  
4           ferential under section 5941 of title 5, United States  
5           Code, for service performed on or after the first day  
6           of the first pay period beginning on or after April  
7           1, 2008.

8           (e) EFFECTIVE DATE.—This section and the amend-  
9           ments made by this section shall take effect on the first  
10          day of the first pay period beginning on or after April 1,  
11          2008.

12       **SEC. 15. PAY FOR PERFORMANCE INTERIM SCHEDULE.**

13          (a) RATES OF PAY.—

14               (1) IN GENERAL.—Except as provided under  
15               subsection (b), the Foreign Service Schedule estab-  
16               lished under section 403 of the Foreign Service Act  
17               of 1980, in effect on the date of the enactment of  
18               this Act, including step rates—

19                       (A) shall be adjusted in accordance with  
20                       section 5303 of title 5, United States Code; and

21                       (B) shall be capped at the maximum rate  
22                       of basic pay for grade GS-15 of the General  
23                       Schedule under section 5332 of that title.

24               (2) LOCALITY PAY.—A member of the Service  
25               whose official duty station is located in an applicable

1 locality pay area shall continue to receive locality-  
2 based comparability payments under section 5304 of  
3 that title.

4 (b) INTERIM FOREIGN SERVICE SCHEDULE.—

5 (1) ESTABLISHMENT.—The Secretary of State  
6 shall establish an interim Foreign Service Schedule  
7 for members of the Service designated class 1 or  
8 below whose official duty station is not located in  
9 areas for which such members receive payments pur-  
10 suant to section 5304 or 5941 of title 5, United  
11 States Code.

12 (2) INCREASED RATES.—The rates under the  
13 Foreign Service Schedule established under this sub-  
14 section shall be 9 percent higher than the rates  
15 under the Foreign Service Schedule described in  
16 subsection (a) unless a different percentage is pre-  
17 scribed by the President. Each covered member shall  
18 receive a corresponding increase in the member's  
19 rate of basic pay. Any adjustment of the rates under  
20 the Foreign Service Schedule described in subsection  
21 (a) shall result in a corresponding adjustment of  
22 rates under the Foreign Service Schedule established  
23 under this subsection.

24 (3) CONVERSION RULES.—The Secretary, in  
25 the Secretary's sole and exclusive discretion, shall

1 establish conversion rules for a member who is  
2 transferred between the Foreign Service Schedule  
3 described in subsection (a) and the Foreign Service  
4 Schedule established under this subsection due to a  
5 change in official duty station.

6 (c) STEP INCREASES.—A member covered by the  
7 Foreign Service Schedule (including the interim Foreign  
8 Service Schedule) shall receive within class salary step in-  
9 creases in accordance with section 406 of the Foreign  
10 Service Act of 1980 (22 U.S.C. 3966), including step in-  
11 creases that become effective on the first day of the first  
12 pay period beginning on or after April 1, 2008.

13 (d) EFFECTIVE DATE.—This section shall take effect  
14 beginning on the first day of the first pay period beginning  
15 on or after April 1, 2007, and ending on the effective date  
16 described in section 14(e).

17 **SEC. 16. UNIFORM COMPENSATION FOR WORLDWIDE SERV-**  
18 **ICE.**

19 (a) TRANSITIONS AND PAY FORMULAS.—

20 (1) TRANSITION DATE.—Subject to paragraphs  
21 (2) through (4), a member of the Service designated  
22 class 1 or below shall be converted to the new For-  
23 eign Service Schedule established under section 403  
24 of the Foreign Service Act of 1980, as amended by

1 section 14, on the first day of the first pay period  
2 beginning on or after April 1, 2008.

3 (2) SIMULTANEOUS PAY ACTIONS.—Subject to  
4 section 15(c), the Secretary, in the Secretary’s sole  
5 and exclusive discretion, shall determine whether  
6 and how any applicable simultaneous pay actions  
7 will be applied in connection with a conversion,  
8 under paragraph (1).

9 (3) PAY CONVERSION FORMULA.—Any member  
10 described in paragraph (1) whose official duty sta-  
11 tion is not located in an area for which members re-  
12 ceive payments pursuant to section 5304 or 5941 of  
13 title 5, United States Code, shall receive an increase  
14 in the member’s rate of basic pay upon conversion,  
15 if necessary, to ensure that the resulting rate equals  
16 the sum of—

17 (A) the base rate under the Foreign Serv-  
18 ice Schedule described in subsection (a) for the  
19 member’s class and step; and

20 (B) the amount resulting from multiplying  
21 the rate described in subparagraph (A) by the  
22 locality-based comparability percentage in effect  
23 for the Washington, D.C. locality pay area at  
24 that time.

1           (4) LOCALITY-BASED PAY.—Any member de-  
2           scribed in paragraph (1) whose official duty station  
3           is located in an area for which such members receive  
4           payments pursuant to section 5304 or 5941 of title  
5           5, United States Code, shall, upon conversion, cease  
6           to receive payments authorized under such sections  
7           and shall receive instead an increase in the mem-  
8           ber’s rate of basic pay equivalent to the percentage  
9           value of the locality-based comparability payment re-  
10          ceived by members of the Service designated class 1  
11          or below whose official duty station was Washington,  
12          D.C. on the date of conversion.

13          (b) ADJUSTMENTS IN THE RATE OF BASIC PAY.—

14               (1) IN GENERAL.—After conversion to the For-  
15               eign Service Schedule established under section 403  
16               of the Foreign Service Act of 1980, as amended by  
17               section 14, the Secretary, in the Secretary’s sole and  
18               exclusive discretion, may provide a special one-time  
19               adjustment in the rate of basic pay for career can-  
20               didates or other members of the Service—

21                       (A) whose performance has not been re-  
22                       viewed by a selection board under section 602  
23                       of such Act (22 U.S.C. 4002); and

24                       (B) who, if not for such conversion, would  
25                       have been scheduled to receive a step increase

1 after the date of conversion and before Sep-  
2 tember 30, 2008.

3 (2) LIMITATIONS.—Any such adjustment shall  
4 be prorated based on the portion of the waiting pe-  
5 riod completed as of the day before conversion. No  
6 adjustment under this subsection may result in a  
7 rate above the maximum rate of the applicable rate  
8 range.

9 (c) SPECIAL TRANSITIONAL RULES.—

10 (1) SPECIAL RULES.—The Secretary, in the  
11 Secretary's sole and exclusive discretion, may estab-  
12 lish special transitional rules to prevent a reduction  
13 in a member's rate of pay due to a conversion to the  
14 Foreign Service Schedule established under section  
15 15(b). Notwithstanding subsection (a)(4), such rules  
16 may authorize a member stationed in a nonforeign  
17 area to temporarily continue to receive a portion of  
18 an allowance or post differential under section 5941  
19 of title 5, United States Code.

20 (2) APPLICABILITY.—This subsection shall  
21 apply to a member who, immediately before conver-  
22 sion—

23 (A) is entitled to a locality-based com-  
24 parability payment under section 5304 of title  
25 5, United States Code, at a rate exceeding the

1           locality rate applicable in Washington, D.C., at  
2           that time; or

3                   (B) is entitled to a nonforeign area allow-  
4           ance or differential under section 5941 of such  
5           title.

6           (3) TREATMENT OF TEMPORARY ADJUST-  
7           MENT.—Any temporary adjustment provided to a  
8           member described in paragraph (2)(A) shall be  
9           treated as basic pay for the same purposes as the lo-  
10          cality-based comparability payment under section  
11          5304 of title 5, United States Code.

12 **SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.**

13          (a) TECHNICAL AND CONFORMING AMENDMENTS TO  
14 THE FOREIGN SERVICE ACT.—The Foreign Service Act  
15 of 1980 (22 U.S.C. 3901 et seq.) is amended—

16           (1) in section 402(a)(2) (22 U.S.C.  
17          3962(a)(2))—

18                   (A) by striking “The Secretary shall” and  
19           inserting “The Secretary, in the Secretary’s  
20           sole and exclusive discretion, shall”;

21                   (B) by striking “the Secretary may” and  
22           inserting “The Secretary, in the Secretary’s  
23           sole and exclusive discretion, may”; and

24                   (C) by inserting “under precepts pre-  
25           scribed by the Secretary” after “system”;

1           (2) in section 602(a) (22 U.S.C. 4002(a)), by  
2 amending paragraph (3) to read as follows:

3           “(3) approvals or denials of pay for perform-  
4 ance salary adjustments under sections 402(a)(2)  
5 and 406(a)”;

6           (3) in section 605 (22 U.S.C. 4005)—

7           (A) in subsection (a)—

8           (i) by inserting “and pay for perform-  
9 ance salary adjustments under sections  
10 402(a)(2) and 406(a)” after “Rec-  
11 ommendations for promotion”; and

12           (ii) by inserting “and pay for perform-  
13 ance salary adjustments” after “shall  
14 make promotions”; and

15           (B) in subsection (b)—

16           (i) by inserting “or precepts pre-  
17 scribed by the Secretary” after “set forth  
18 by regulation”; and

19           (ii) by inserting “or salary adjust-  
20 ment” after “delay the promotion”;

21           (4) in section 806(a)(9) (22 U.S.C.  
22 4046(a)(9)), by adding at the end the following:  
23 “This paragraph shall not apply to service per-  
24 formed on or after the first day of the first pay pe-  
25 riod beginning on or after April 1, 2008.”; and

1           (5) in section 855(a)(3) (22 U.S.C.  
2           4071d(a)(3)), by adding at the end the following:  
3           “‘This paragraph shall not apply to service per-  
4           formed on or after the first day of the first pay pe-  
5           riod beginning on or after April 1, 2008.’”.

6           (b) TECHNICAL AND CONFORMING AMENDMENTS TO  
7           TITLE 5.—Title 5, United States Code, is amended—

8           (1) in chapter 53—

9           (A) in section 5302(1)—

10           (i) in subparagraph (A), by adding  
11           “or” at the end;

12           (ii) by striking subparagraph (B); and

13           (iii) by redesignating subparagraph  
14           (C) as subparagraph (B); and

15           (B) in section 5304(h)(1)(D)—

16           (i) in clause (v), by striking “or” at  
17           the end;

18           (ii) in clause (vi), by striking the pe-  
19           riod at the end and inserting “; or”; and

20           (iii) by adding at the end the fol-  
21           lowing:

22           “(vii) a position in the Foreign Serv-  
23           ice.”; and

24           (2) in chapter 57—

1 (A) in section 5753(a)(2)(A), by inserting:  
2 “, excluding members of the Foreign Service  
3 other than chiefs of mission and ambassadors  
4 at large” before the semicolon at the end; and

5 (B) in section 5754(a)(2)(A), by inserting:  
6 “, excluding members of the Foreign Service  
7 other than chiefs of mission and ambassadors  
8 at large” before the semicolon at the end.

9 (c) EFFECTIVE DATES.—The amendments made by  
10 subsections (a) and (b)(1) shall take effect on the first  
11 day of the first pay period beginning on or after April 1,  
12 2008.

13 **SEC. 18. DUAL GATEWAY POLICY OF THE GOVERNMENT OF**  
14 **IRELAND.**

15 (a) IN GENERAL.—The Secretary of State shall re-  
16 view the dual gateway policy and determine the effects the  
17 discontinuation of such policy might have on the economy  
18 of the United States and the economy of western Ireland  
19 before the United States takes any action that could lead  
20 to the discontinuation of such policy.

21 (b) ECONOMIC IMPACT STUDY.—In determining the  
22 effects that the discontinuation of such policy might have  
23 on the economy of the United States, the Secretary, in  
24 consultation with the heads of other appropriate depart-  
25 ments and agencies, shall consider the effects the dis-

1 continuation of such policy might have on United States  
2 businesses operating in western Ireland, Irish businesses  
3 operating in and around Shannon Airport, and United  
4 States air carriers serving Ireland.

5 (c) REPORT.—Not later than 180 days after the date  
6 of the enactment of this Act, the Secretary shall submit  
7 to the Committee on International Relations of the House  
8 of Representatives and the Committee on Foreign Rela-  
9 tions of the Senate a report describing the determinations  
10 made under subsection (a), together with any rec-  
11 ommendations for United States action.

12 (d) DEFINITION.—In this section, the term “dual  
13 gateway policy” means the policy of the Government of  
14 Ireland requiring certain air carriers serving Dublin Air-  
15 port to undertake an equal numbers of flights to Shannon  
16 Airport and Dublin Airport during each calendar year.

17 **SEC. 19. PERSONAL SERVICES CONTRACTING PROGRAM.**

18 Section 504 of the Foreign Relations Authorization  
19 Act, Fiscal Year 2003 (Public Law 107–228) is amend-  
20 ed—

21 (1) in the section heading, by striking  
22 “**PILOT**”;

23 (2) in subsection (a)—

24 (A) by striking “pilot”;

1 (B) by striking “(in this section referred to  
2 as the ‘program’)”; and

3 (C) by striking “producers, and writers”  
4 and inserting “and other broadcasting special-  
5 ists”;

6 (3) in subsection (b)(4), by striking “60” and  
7 inserting “100”; and

8 (4) by striking subsection (c).

9 **SEC. 20. WORLDWIDE AVAILABILITY.**

10 Section 301(b) of the Foreign Service Act of 1980  
11 (22 U.S.C. 3491(b)) is amended by adding at the end the  
12 following new sentence: “At the time of entry into the  
13 Service, each member of the Service must be worldwide  
14 available, as determined by the Secretary of State through  
15 appropriate medical examinations, unless the Secretary  
16 determines that a waiver of the worldwide availability re-  
17 quirement is required to fulfill a compelling Service need.  
18 The Secretary shall establish an internal administrative  
19 review process for medical ineligibility determinations.”.

Union Calendar No. 425

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 6060**

[Report No. 109-706]

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## **A BILL**

To authorize certain activities by the Department  
of State, and for other purposes.

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SEPTEMBER 29, 2006

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed