

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

# H. R. 6060

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

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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”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 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.

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

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

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

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

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

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

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

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

6 (2) by amending subparagraph (B) to read as  
7 follows:

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

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

19 “(D) Allowances provided pursuant to sub-  
20 paragraphs (A) and (B) may include, at the  
21 election of the employee, payment or reimburse-  
22 ment of the costs incurred to store baggage for  
23 the employee’s dependent at or in the vicinity of  
24 the dependent’s school during the dependent’s  
25 annual trip between the school and the employ-  
26 ee’s duty station, except that such payment or

1 reimbursement may not exceed the cost that the  
2 Government would incur to transport the bag-  
3 gage in connection with the annual trip, and  
4 such payment or reimbursement shall be in lieu  
5 of transportation of the baggage.”.

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

7 (a) RESPONSIBILITIES OF THE SPECIAL ENVOY ON  
8 HUMAN RIGHTS IN NORTH KOREA.—Section 107(c) of  
9 the North Korean Human Rights Act of 2004 (Public Law  
10 108–333) is amended—

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

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

15 (3) by adding at the end the following new  
16 paragraph:

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

20 (b) REPORTING REQUIREMENTS.—Section 305(a) of  
21 the North Korean Human Rights Act of 2004 is amend-  
22 ed—

23 (1) in paragraph (1), by striking “and” at the  
24 end;

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

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

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

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

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

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

19          “Any person who knowingly and willfully obstructs,  
20          resists, or interferes with a Federal law enforcement agent  
21          engaged, within the United States or the special maritime  
22          territorial jurisdiction of the United States, in the per-  
23          formance of the protective functions authorized under sec-  
24          tion 37 of the State Department Basic Authorities Act  
25          of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic

1 Security Act (22 U.S.C. 4802) shall be fined under this  
2 title, imprisoned not more than 1 year, or both.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by adding  
5 at the end the following:

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

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

7 (a) INCLUSION OF INFORMATION RELATING TO IN-  
8 CITEMENT TO ACTS OF DISCRIMINATION IN ANNUAL  
9 COUNTRY REPORTS ON HUMAN RIGHT PRACTICES.—

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

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

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

17 (C) by adding at the end the following new  
18 paragraph:

19 “(12) wherever applicable, a description of the  
20 nature and extent of—

21 “(A) propaganda in foreign government  
22 and foreign government-controlled media and  
23 other sources, including foreign government-  
24 produced educational materials and textbooks,  
25 that attempt to justify or promote racial hatred

1           or incite acts of violence against any race or  
2           people;

3           “(B) complicity or involvement by the for-  
4           eign government in the creation of such propa-  
5           ganda or incitement of acts of violence against  
6           any race or people; and

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

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

1 government to eliminate such propaganda or incite-  
2 ment.”.

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

10 **SEC. 7. PERSONS EXCUSED FROM PAYMENT OF FEES FOR**  
11 **EXECUTION AND ISSUANCE OF PASSPORTS.**

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

14 (1) by striking “or from a widow” and inserting  
15 “from a widow”; and

16 (2) by inserting “; or from an individual or in-  
17 dividuals abroad, returning to the United States,  
18 when the Secretary determines that foregoing the  
19 collection of such fee is justified for humanitarian  
20 reasons or for law enforcement purposes” after  
21 “such member” the second place it appears.

22 **SEC. 8. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**  
23 **CHARGES.**

24 (a) IN GENERAL.—Beginning in fiscal year 2007 and  
25 thereafter, the Secretary of State is authorized to amend

1 administratively the amounts of the surcharges related to  
2 consular services in support of enhanced border security  
3 (provided for in the last paragraph under the heading  
4 “DIPLOMATIC AND CONSULAR PROGRAMS” under title IV  
5 of division B of the Consolidated Appropriations Act, 2005  
6 (Public Law 108–447)) that are in addition to the pass-  
7 port and immigrant visa fees in effect on January 1, 2004.

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

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

15 (2) The aggregate amount of surcharges col-  
16 lected may not exceed the aggregate amount obli-  
17 gated and expended for the costs related to consular  
18 services in support of enhanced border security in-  
19 curred in connection with the activity or item for  
20 which the surcharges are charged.

21 (3) A surcharge may not be collected except to  
22 the extent the surcharge will be obligated and ex-  
23 pended to pay the costs related to consular services  
24 in support of enhanced border security incurred in

1 connection with the activity or item for which the  
2 surcharge is charged.

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

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

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

12 (1) in the header, by striking “ORGANIZATION  
13 OF AFRICAN UNITY” and inserting “AFRICAN  
14 UNION”;

15 (2) by inserting “(a)” before “The provisions”;  
16 and

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

18 “(b) Under such terms and conditions as the Presi-  
19 dent shall determine, consistent with the purposes of this  
20 title, the President is authorized to extend, or enter into  
21 an agreement to extend, to the African Union Mission to  
22 the United States of America, and to its members, the  
23 privileges and immunities enjoyed by diplomatic missions  
24 accredited to the United States, and by members of such

1 missions, subject to corresponding conditions and obliga-  
2 tions.”.

3 (b) BANK FOR INTERNATIONAL SETTLEMENTS.—

4 The International Organizations Immunities Act (22  
5 U.S.C. 288 et seq.) is amended by adding at the end the  
6 following:

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

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

1 **SEC. 10. PROPERTY DISPOSITION.**

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

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

10 (2) by striking “at such location” and inserting  
11 “at an appropriate location”.

12 **SEC. 11. SERVICES FOR CHILDREN WITH AUTISM AT OVER-**  
13 **SEAS MISSIONS.**

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

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

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

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

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

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

1 Republic of Belarus and Ukraine affected by the  
2 Chernobyl disaster.

3 **SEC. 14. FOREIGN SERVICE PAY FOR PERFORMANCE SYS-**  
4 **TEM.**

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

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

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

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

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

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

20 “(a) ESTABLISHMENT.—The President shall estab-  
21 lish, and periodically adjust, a Foreign Service Schedule,  
22 which shall consist of 9 salary classes that apply to mem-  
23 bers of the Service who are citizens of the United States  
24 and for whom salary rates are not otherwise provided  
25 under this chapter. The maximum salary rate for the high-

1 est class established under this section, which shall be des-  
2 ignated class 1, may not exceed the rate of basic pay for  
3 level IV of the Executive Schedule under section 5315 of  
4 title 5, United States Code.

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

9 (c) WITHIN CLASS SALARY INCREASES.—Section  
10 406 of the Foreign Service Act of 1980 (22 U.S.C. 3966)  
11 is amended to read as follows:

12 “§ 406. **Within class salary increases**

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

21 “(1) makes meaningful distinctions based upon  
22 relative performance; and

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

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

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

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

10       “(c) PERFORMANCE-BASED SALARY ADJUST-  
11 MENTS.—

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

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

20           “(B) the amount necessary to provide for  
21 pay adjustments based on mission require-  
22 ments, labor market conditions, availability of  
23 funds, pay adjustments received by employees  
24 of other Federal agencies, and any other rel-  
25 evant factors.

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

3           “(A) ensure that employees, in the aggregate,  
4 are not disadvantaged in terms of the  
5 overall amount of pay available as a result of  
6 conversion to the new foreign service performance-based  
7 compensation system; and

8           “(B) provide flexibility to accommodate  
9 changes in the mix of employees performing  
10 those functions, and other changed circumstances  
11 that might impact pay levels.

12           “(3) LIMITATION.—No performance-based salary  
13 adjustments authorized by this section may be  
14 paid to any member of the Service if the performance  
15 of the member falls below the standards of performance  
16 for the salary class of the member.”.

17 (d) EXCEPTIONS.—

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

24           (2) PRIOR SERVICE PAY.—Except as provided  
25 in section 16(c)(1), a member of the Foreign Service

1 may not receive a nonforeign area allowance or dif-  
2 ferential under section 5941 of title 5, United States  
3 Code, for service performed on or after the first day  
4 of the first pay period beginning on or after April  
5 1, 2008.

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

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

11 (a) RATES OF PAY.—

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

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

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

22 (2) LOCALITY PAY.—A member of the Service  
23 whose official duty station is located in an applicable  
24 locality pay area shall continue to receive locality-

1 based comparability payments under section 5304 of  
2 that title.

3 (b) INTERIM FOREIGN SERVICE SCHEDULE.—

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

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

23 (3) CONVERSION RULES.—The Secretary, in  
24 the Secretary's sole and exclusive discretion, shall  
25 establish conversion rules for a member who is

1 transferred between the Foreign Service Schedule  
2 described in subsection (a) and the Foreign Service  
3 Schedule established under this subsection due to a  
4 change in official duty station.

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

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

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

18 (a) TRANSITIONS AND PAY FORMULAS.—

19 (1) TRANSITION DATE.—Subject to paragraphs  
20 (2) through (4), a member of the Service designated  
21 class 1 or below shall be converted to the new For-  
22 eign Service Schedule established under section 403  
23 of the Foreign Service Act of 1980, as amended by  
24 section 14, on the first day of the first pay period  
25 beginning on or after April 1, 2008.

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

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

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

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

23           (4) LOCALITY-BASED PAY.—Any member de-  
24 scribed in paragraph (1) whose official duty station  
25 is located in an area for which such members receive

1 payments pursuant to section 5304 or 5941 of title  
2 5, United States Code, shall, upon conversion, cease  
3 to receive payments authorized under such sections  
4 and shall receive instead an increase in the mem-  
5 ber's rate of basic pay equivalent to the percentage  
6 value of the locality-based comparability payment re-  
7 ceived by members of the Service designated class 1  
8 or below whose official duty station was Washington,  
9 D.C. on the date of conversion.

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

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

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

21 (B) who, if not for such conversion, would  
22 have been scheduled to receive a step increase  
23 after the date of conversion and before Sep-  
24 tember 30, 2008.

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

7           (c) SPECIAL TRANSITIONAL RULES.—

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

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

21           (A) is entitled to a locality-based com-  
22 parability payment under section 5304 of title  
23 5, United States Code, at a rate exceeding the  
24 locality rate applicable in Washington, D.C., at  
25 that time; or

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

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

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

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

14 (1) in section 402(a)(2) (22 U.S.C.  
15 3962(a)(2))—

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

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

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

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

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

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

5           (A) in subsection (a)—

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

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

13          (B) in subsection (b)—

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

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

19          (4) in section 806(a)(9) (22 U.S.C.  
20          4046(a)(9)), by adding at the end the following:  
21          “‘This paragraph shall not apply to service per-  
22          formed on or after the first day of the first pay pe-  
23          riod beginning on or after April 1, 2008.’”; and

24          (5) in section 855(a)(3) (22 U.S.C.  
25          4071d(a)(3)), by adding at the end the following:

1 “This paragraph shall not apply to service per-  
2 formed on or after the first day of the first pay pe-  
3 riod beginning on or after April 1, 2008.”.

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

6 (1) in chapter 53—

7 (A) in section 5302(1)—

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

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

11 (iii) by redesignating subparagraph  
12 (C) as subparagraph (B); and

13 (B) in section 5304(h)(1)(D)—

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

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

18 (iii) by adding at the end the fol-  
19 lowing:

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

22 (2) in chapter 57—

23 (A) in section 5753(a)(2)(A), by inserting:

24 “, excluding members of the Foreign Service

1 other than chiefs of mission and ambassadors  
2 at large” before the semicolon at the end.

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

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

11 **SEC. 18. DUAL GATEWAY POLICY OF THE GOVERNMENT OF**  
12 **IRELAND.**

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

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

1 operating in and around Shannon Airport, and United  
2 States air carriers serving Ireland.

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

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

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

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

19 (1) in the section heading, by striking  
20 “**PILOT**”;

21 (2) in subsection (a)—

22 (A) by striking “pilot”;

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

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

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

6 (4) by striking subsection (e).

7 **SEC. 20. WORLDWIDE AVAILABILITY.**

8 Section 301(b) of the Foreign Service Act of 1980  
9 (22 U.S.C. 3491(b)) is amended by adding at the end the  
10 following new sentence: “At the time of entry into the  
11 Service, each member of the Service must be worldwide  
12 available, as determined by the Secretary of State through  
13 appropriate medical examinations, unless the Secretary  
14 determines that a waiver of the worldwide availability re-  
15 quirement is required to fulfill a compelling Service need.  
16 The Secretary shall establish an internal administrative  
17 review process for medical ineligibility determinations.”.

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