

111TH CONGRESS
2D SESSION

S. 2971

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

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2010

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize certain authorities 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.**

4 This Act may be cited as the “Foreign Relations Au-
5 thorization Act, Fiscal Years 2010 and 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—General Matters

- Sec. 101. International Litigation Fund.
- Sec. 102. Actuarial valuations.
- Sec. 103. Special agents.
- Sec. 104. Accountability review boards.
- Sec. 105. Security enhancements for soft targets.
- Sec. 106. Enhanced Department of State authority for uniformed security officers.
- Sec. 107. Local guard contracts abroad under diplomatic security program.
- Sec. 108. Overseas procurement flexibility.
- Sec. 109. Renaming of Bureau of Oceans and International Environmental and Scientific Affairs.
- Sec. 110. Extension of period for reimbursement for seized commercial fishermen.
- Sec. 111. Authority to issue administrative subpoenas.
- Sec. 112. Home-to-work transportation.
- Sec. 113. Technical amendment to Federal Workforce Flexibility Act.
- Sec. 114. Emergency Refugee and Migration Assistance Account.

Subtitle B—Public Diplomacy

- Sec. 121. Public diplomacy resource centers.
- Sec. 122. Employment of non-citizens for international broadcasting.
- Sec. 123. Radio Free Europe and Radio Liberty pay parity.
- Sec. 124. Extension of grant authority for Radio Free Asia.
- Sec. 125. Personal services contracting program for the Broadcasting Board of Governors.
- Sec. 126. Reauthorization of United States Advisory Commission on Public Diplomacy.
- Sec. 127. Dissemination of public diplomacy information within the United States.
- Sec. 128. Science and technology fellowships.
- Sec. 129. Grants for international documentary exchange programs.

Subtitle C—Consular Services and Related Matters

- Sec. 131. Reforming refugee processing.
- Sec. 132. Definition of “use” in passport and visa offenses.
- Sec. 133. Visa ineligibility for international child abduction.
- Sec. 134. Vaccination waiver for adopted children.
- Sec. 135. Signed photograph requirement for visa applications.
- Sec. 136. Electronic transmission of domestic violence information to visa applicants.
- Sec. 137. Sibling adoptions.
- Sec. 138. Passport execution fee.
- Sec. 139. Fraud prevention and detection fees.
- Sec. 140. Technical amendments relating to the Intelligence Reform and Terrorism Prevention Act of 2004.

TITLE II—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Modernizing the Department of State

- Sec. 201. Creation of a modern and expeditionary Foreign Service.
- Sec. 202. Conflict prevention, mitigation, and resolution training.

Subtitle B—Foreign Services Overseas Pay Equity

- Sec. 211. Short title.
 Sec. 212. Overseas comparability pay adjustment.

Subtitle C—Other Organization and Personnel Matters

- Sec. 221. Death gratuity.
 Sec. 222. Expansion and extension of annuitant waiver for response readiness corps.
 Sec. 223. Reemployment of annuitants.
 Sec. 224. Locally employed staff.
 Sec. 225. Repeal of recertification requirement for senior foreign service.
 Sec. 226. Foreign relations exchange programs.
 Sec. 227. Enhanced personnel authorities for the inspector general of the department of State.
 Sec. 228. Personal services contractors.
 Sec. 229. Amendment to the Foreign Service Act of 1980.

TITLE III—INTERNATIONAL ORGANIZATIONS

- Sec. 301. Promoting assignments to international organizations.
 Sec. 302. Synchronization of United States contributions to international organizations.
 Sec. 303. Peacekeeping contributions.
 Sec. 304. Buying power maintenance, international organizations.
 Sec. 305. United States participation in the Inter-Parliamentary Union.
 Sec. 306. Provision of living quarters and allowances to the United States representatives to the United Nations.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Limitation on assistance to governments of countries in default.
 Sec. 402. Increased authority to provide assistance for law enforcement forces.
 Sec. 403. Building public awareness and dialogue.
 Sec. 404. Exception to certain multiple award contract requirements.
 Sec. 405. Millennium challenge assistance.
 Sec. 406. Enhancing the capacity of the Office of the Inspector General for the United States Agency for International Development.
 Sec. 407. Prohibitions on foreign assistance for the production of certain agricultural commodities.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. Authorization of appropriations.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

- 3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 4 **TEES.**—The term “appropriate congressional com-
 5 mittees” means the Committee on Foreign Relations

1 of the Senate and the Committee on Foreign Affairs
2 of the House of Representatives.

3 (2) SECRETARY.—Except as otherwise provided,
4 the term “Secretary” means the Secretary of State.

5 **TITLE I—DEPARTMENT OF**
6 **STATE AUTHORITIES AND AC-**
7 **TIVITIES**

8 **Subtitle A—General Matters**

9 **SEC. 101. INTERNATIONAL LITIGATION FUND.**

10 Section 38(d)(3) of the State Department Basic Au-
11 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended
12 by striking “from another agency of the United States
13 Government” and inserting “as a result of a decision of
14 an international tribunal, from another agency of the
15 United States Government,”.

16 **SEC. 102. ACTUARIAL VALUATIONS.**

17 (a) **AUTHORITY OF SECRETARY OF STATE TO MAKE**
18 **ACTUARIAL VALUATIONS.**—Section 818 of the Foreign
19 Service Act of 1980 (22 U.S.C. 4058) is amended—

20 (1) in the first sentence, by striking “Secretary
21 of the Treasury” and inserting “Secretary of State”;
22 and

23 (2) by amending the second sentence to read as
24 follows: “The Secretary of State may expend such
25 sums as may be necessary to administer the provi-

1 sions of this chapter, including actuarial advice, but
2 only to the extent and in such amounts as are pro-
3 vided in advance in appropriations acts.”.

4 (b) AUTHORITY OF SECRETARY OF STATE TO DE-
5 TERMINE PORTION OF FOREIGN SERVICE RETIREMENT
6 AND DISABILITY FUND AVAILABLE FOR INVESTMENT.—
7 Section 819 of such Act (22 U.S.C. 4059) is amended by
8 striking “Secretary of the Treasury” the second place it
9 appears and inserting “Secretary of State”.

10 (c) AUTHORITY OF SECRETARY OF STATE TO PRE-
11 SCRIBE MORTALITY TABLES.—Section 825(b) of such Act
12 (22 U.S.C. 4065(b)) is amended—

13 (1) by striking “subsection (a) (2), (3), or (4)”
14 and inserting “paragraph (2), (3), or (4) of sub-
15 section (a)”;

16 (2) by striking “Secretary of the Treasury” and
17 inserting “Secretary of State”.

18 (d) AUTHORITY OF SECRETARY OF STATE TO MAKE
19 PERIODIC VALUATIONS.—Section 859(c) of the Foreign
20 Service Act of 1980 (22 U.S.C. 4071h(c)) is amended—

21 (1) by striking “Secretary of the Treasury” and
22 inserting “Secretary of State”; and

23 (2) by striking “and shall advise the Secretary
24 of State of (1) the normal cost of the System, (2)
25 the supplemental liability of the System, and (3) the

1 amounts necessary to finance the costs of the Sys-
2 tem.” and inserting the following: “that will pro-
3 vide—

4 “(1) the normal cost of the System;

5 “(2) the supplemental liability of the System;

6 and

7 “(3) the amounts necessary to finance the costs
8 of the System.”.

9 **SEC. 103. SPECIAL AGENTS.**

10 Section 37 of the State Department Basic Authorities
11 Act of 1956 (22 U.S.C. 2709) is amended—

12 (1) in subsection (a), by amending paragraph
13 (1) to read as follows:

14 “(1) conduct investigations concerning—

15 “(A) illegal passport or visa issuance or
16 use;

17 “(B) identity theft or document fraud af-
18 fecting, or relating to, the programs, functions,
19 or authorities of the Department of State; and

20 “(C) Federal offenses committed within
21 the special maritime and territorial jurisdiction
22 of the United States (as such term is defined
23 in section 7(9) of title 18, United States Code),
24 except as that jurisdiction relates to the prem-

1 ises of United States military installations and
2 related residences;” and

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

4 “(d) **RULE OF CONSTRUCTION.**—Nothing in sub-
5 section (a)(1) may be construed to limit the investigative
6 authority of any other Federal department or agency.”.

7 **SEC. 104. ACCOUNTABILITY REVIEW BOARDS.**

8 Section 301(a)(3) of the Omnibus Diplomatic Secu-
9 rity and Antiterrorism Act of 1986 (22 U.S.C.
10 4831(a)(3)) is amended—

11 (1) in the paragraph heading, by striking “AF-
12 GHANISTAN AND” and inserting “AFGHANISTAN,
13 PAKISTAN, AND”; and

14 (2) in subparagraph (A)—

15 (A) in clause (i), by striking “Afghanistan
16 or” and inserting “Afghanistan, Pakistan, or”;
17 and

18 (B) in clause (ii), by striking “2009” and
19 inserting “2012”.

20 **SEC. 105. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

21 Section 29 of the State Department Basic Authorities
22 Act of 1956 (22 U.S.C. 2701) is amended by inserting
23 “physical security enhancements and” after “Such assist-
24 ance may include”.

1 **SEC. 106. ENHANCED DEPARTMENT OF STATE AUTHORITY**
 2 **FOR UNIFORMED SECURITY OFFICERS.**

3 The State Department Basic Authorities Act of 1956
 4 is amended by inserting after section 37 (22 U.S.C. 2709)
 5 the following:

6 **“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE**
 7 **UNITED STATES BY UNIFORMED GUARDS.**

8 “(a) ENFORCEMENT AUTHORITIES FOR UNIFORMED
 9 GUARDS.—The Secretary of State may authorize Depart-
 10 ment of State uniformed guards to protect buildings and
 11 areas within the United States for which the Department
 12 of State provides protective services, including duty in
 13 areas outside the property to the extent necessary to pro-
 14 tect the property and persons in that area.

15 “(b) POWERS OF GUARDS.—While engaged in the
 16 performance of official duties as a uniformed guard under
 17 subsection (a), a guard may—

18 “(1) enforce Federal laws and regulations for
 19 the protection of persons and property;

20 “(2) carry firearms; and

21 “(3) make arrests without warrant for—

22 “(A) any offense against the United States
 23 committed in the guard’s presence; or

24 “(B) any felony cognizable under the laws
 25 of the United States if the guard has reason-
 26 able grounds to believe that the person to be ar-

1 rested has committed, or is committing, such
2 felony in connection with the buildings, areas,
3 or persons, for which the Department of State
4 is providing protective services.

5 “(c) REGULATIONS.—

6 “(1) IN GENERAL.—The Secretary of State, in
7 consultation with the Secretary of Homeland Secu-
8 rity, may prescribe such regulations as may be nec-
9 essary for the administration of buildings and areas
10 within the United States for which the Department
11 of State provides protective services, including rea-
12 sonable penalties for violations of such regulations,
13 within the limits prescribed in subsection (d).

14 “(2) POSTING.—The regulations prescribed
15 under paragraph (1) shall be posted in a con-
16 spicuous place on the property.

17 “(d) PENALTIES.—A person violating a regulation
18 prescribed under subsection (c) shall be fined under title
19 18, United States Code, imprisoned for not more than 6
20 months, or both.

21 “(e) ATTORNEY GENERAL APPROVAL.—The powers
22 granted to guards designated under this section shall be
23 exercised in accordance with guidelines approved by the
24 Attorney General.

1 “(f) RELATIONSHIP TO OTHER AUTHORITY.—Noth-
2 ing in this section may be construed to affect the authority
3 of the Secretary of Homeland Security, the Administrator
4 of General Services, or any Federal law enforcement agen-
5 cy.”.

6 **SEC. 107. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**
7 **LOMATIC SECURITY PROGRAM.**

8 (a) IN GENERAL.—Section 136(c)(3) of the Foreign
9 Relations Authorization Act, Fiscal Years 1990 and 1991
10 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

11 “(3) in evaluating proposals for such contracts,
12 award contracts to technically acceptable firms offer-
13 ing the lowest evaluated price, except that—

14 “(A) the Secretary may award contracts on
15 the basis of best value (as determined by a cost-
16 technical tradeoff analysis); and

17 “(B) proposals received from United
18 States persons and qualified United States joint
19 venture persons shall be evaluated by reducing
20 the bid price by 10 percent;”.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Secretary shall submit
23 a report to Congress that describes the implementation of
24 section 136(c)(3) of the Foreign Relations Authorization

1 Act, Fiscal Years 1990 and 1991, as amended by sub-
2 section (a).

3 **SEC. 108. OVERSEAS PROCUREMENT FLEXIBILITY.**

4 Section 3 of the State Department Basic Authorities
5 Act of 1956 (22 U.S.C. 2670) is amended by—

6 (1) in subsection (l), by striking “and” at the
7 end;

8 (2) in subsection (m), by striking the period at
9 the end and inserting “; and”; and

10 (3) adding at the end the following:

11 “(n) make and carry out contracts for procurement
12 outside the United States of goods or services needed for
13 the operation of United States diplomatic and consular
14 posts and related facilities outside the United States, pro-
15 vided that—

16 “(1) laws of the United States relating to the
17 negotiation, making, contents, or performance of
18 government contracts for goods or services, and ad-
19 vance payments and indemnification in relation to
20 such contracts shall apply with respect to such con-
21 tracts except to the extent that the Secretary deter-
22 mines (other than for section 27 of the Office of
23 Federal Procurement Policy Act (41 U.S.C. 423))
24 that the Secretary could not reasonably meet the
25 need of a post or facility for such goods and services

1 by use of authority available to the Secretary under
2 a law other than this subsection;

3 “(2) the Secretary shall—

4 “(A) issue guidance addressing use of this
5 authority; and

6 “(B) require written approval to waive spe-
7 cific laws or procurement regulations under this
8 authority by the Procurement Executive (with-
9 out further delegation); and

10 “(3) no individual contract action entered into
11 under this authority shall exceed \$2,000,000 unless
12 approved in writing by the Chief Acquisition Officer
13 of the Department of State (without further delega-
14 tion).”.

15 **SEC. 109. RENAMING OF BUREAU OF OCEANS AND INTER-**
16 **NATIONAL ENVIRONMENTAL AND SCIENTIFIC**
17 **AFFAIRS.**

18 (a) DEPARTMENT OF STATE APPROPRIATIONS AU-
19 THORIZATION ACT OF 1973.—Section 9(a) of the Depart-
20 ment of State Appropriations Authorization Act of 1973
21 (22 U.S.C. 2655a) is amended by striking “Oceans and
22 International Environmental and Scientific Affairs” each
23 place it appears and inserting “Oceans, Environment, and
24 Science”.

1 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
 2 607(d) of the Foreign Assistance Act of 1961 (22 U.S.C.
 3 2357(d)) is amended by striking “Oceans and Inter-
 4 national Environmental and Scientific Affairs” and insert-
 5 ing “Oceans, Environment, and Science”.

6 (c) CLEAN AIR ACT.—Section 617(a) of the Clean
 7 Air Act (42 U.S.C. 7671p(a)) is amended by striking
 8 “Oceans and International Environmental and Scientific
 9 Affairs” and inserting “Oceans, Environment, and
 10 Science”.

11 **SEC. 110. EXTENSION OF PERIOD FOR REIMBURSEMENT**
 12 **FOR SEIZED COMMERCIAL FISHERMEN.**

13 Section 7(e) of the Fishermen’s Protective Act of
 14 1967 (22 U.S.C. 1977(e)) is amended by striking “2008”
 15 and inserting “2013”.

16 **SEC. 111. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**
 17 **POENAS.**

18 Section 3486 of title 18, United States Code, is
 19 amended—

20 (1) in subsection (a)—

21 (A) paragraph (1)(A)—

22 (i) in the matter preceding clause (i),
 23 by striking “of” and inserting “to”;

24 (ii) in clause (i)(II), by striking “or”
 25 at the end;

1 (iii) in clause (ii), by striking the
2 comma at the end and inserting a semi-
3 colon; and

4 (iv) by inserting after clause (ii) the
5 following:

6 “(iii) an offense under section 878, or
7 a threat against a person, foreign mission
8 or organization authorized to receive pro-
9 tection by special agents of the Depart-
10 ment of State and the Foreign Service
11 under section 37(a)(3) of the State De-
12 partment Basic Authorities Act of 1956
13 (22 U.S.C. 2709(a)(3)) if the Assistant
14 Secretary for Diplomatic Security or the
15 Director of the Diplomatic Security Service
16 determines that the threat constituting the
17 offense or threat against the person or
18 place protected is imminent, the Secretary
19 of State; or

20 “(iv) an offense under chapter 75, the
21 Secretary of State,”;

22 (B) by amending paragraph (9) to read as
23 follows:

24 “(9) A subpoena issued under clause (i)(II), (ii), (iii),
25 or (iv) of paragraph (1)(A) may require production as

1 soon as possible, but in no event less than 24 hours after
 2 service of the subpoena.”; and

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

4 “(11) As soon as practicable following the issuance
 5 of a subpoena under paragraph (1)(A)(iii), the Secretary
 6 of State shall notify the Attorney General of such
 7 issuance.”; and

8 (2) in subsection (e)(1), by adding at the end
 9 the following: “This subsection shall only apply to
 10 administrative subpoenas issued under subsection
 11 (a)(1)(A)(i).”.

12 **SEC. 112. HOME-TO-WORK TRANSPORTATION.**

13 Section 1344(b)(4) of title 31, United States Code,
 14 is amended by inserting “the Deputy Secretary of State,
 15 the Deputy Secretary of State for Management and Re-
 16 sources,” before “principal diplomatic”.

17 **SEC. 113. TECHNICAL AMENDMENT TO FEDERAL WORK-
 18 FORCE FLEXIBILITY ACT.**

19 Chapter 57 of title 5, United States Code, is amend-
 20 ed—

21 (1) in section 5753(a)(2)(A), by inserting “, ex-
 22 cluding members of the Foreign Service other than
 23 chiefs of mission, ambassadors at large, and other
 24 members of the Foreign Service subject to examina-
 25 tions under section 302(b) of the Foreign Service

1 Act of 1980 (22 U.S.C. 3941(b))” before the semi-
2 colon at the end; and

3 (2) in section 5754(a)(2)(A), by inserting “, ex-
4 cluding members of the Foreign Service other chiefs
5 of mission, ambassadors at large, and other mem-
6 bers of the Foreign Service subject to examinations
7 under section 302(b) of the Foreign Service Act of
8 1980 (22 U.S.C. 3941(b))” before the semicolon at
9 the end.

10 **SEC. 114. EMERGENCY REFUGEE AND MIGRATION ASSIST-**
11 **ANCE ACCOUNT.**

12 Section 2(c)(2) of the Migration and Refugee Assist-
13 ance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended by
14 striking “\$100,000,000” and inserting “\$200,000,000”.

15 **Subtitle B—Public Diplomacy**

16 **SEC. 121. PUBLIC DIPLOMACY RESOURCE CENTERS.**

17 (a) FINDINGS.—Congress finds that—

18 (1) of the 177 information resource centers op-
19 erated by the Department of State as of February
20 2009—

21 (A) 87 (49 percent) operated on a “by ap-
22 pointment only” basis; and

23 (B) 18 (11 percent) did not permit any
24 public access;

1 (2) information resource centers located outside
2 United States embassy compounds receive signifi-
3 cantly more visitors than the centers located inside
4 such compounds, including—

5 (A) twice the number of visitors in Africa;

6 (B) 6 times more visitors in the Middle
7 East; and

8 (C) 22 times more visitors in Asia; and

9 (3) Iran has increased the number of similar
10 Iranian facilities, known as Iranian Cultural Cen-
11 ters, to about 60 throughout the world.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that—

14 (1) the Secretary of State should initiate a re-
15 examination of the public diplomacy platform strat-
16 egy of the United States with a goal of reestab-
17 lishing publicly accessible American Centers;

18 (2) after taking into account relevant security
19 considerations, the Secretary of State should con-
20 sider placing United States public diplomacy facili-
21 ties at locations conducive to maximizing their use,
22 consistent with the authority given to the Secretary
23 under section 606(a)(2)(B) of the Secure Embassy
24 Construction and Counterterrorism Act of 1999 (22

1 U.S.C. 4865(a)(2)(B)) to waive certain requirements
2 of that Act.

3 **SEC. 122. EMPLOYMENT OF NON-CITIZENS FOR INTER-**
4 **NATIONAL BROADCASTING.**

5 Section 804(1) of the United States Information and
6 Educational Exchange Act of 1948 (22 U.S.C. 1474(1))
7 is amended by striking “suitably qualified United States
8 citizens” and inserting “United States citizens applicants
9 who are equally or better qualified than non-United States
10 citizen applicants”.

11 **SEC. 123. RADIO FREE EUROPE AND RADIO LIBERTY PAY**
12 **PARITY.**

13 Section 308(h)(1) of the United States International
14 Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is
15 amended—

16 (1) in subparagraph (A)—

17 (A) by striking “or (C)”; and

18 (B) by inserting “(or level II of the Execu-
19 tive Schedule under section 5313 of such title,
20 if the Board certifies that the employees are
21 covered by a performance appraisal system
22 meeting the certification criteria under section
23 5307(d) of such title)” before the period at the
24 end; and

25 (2) by striking subparagraph (C).

1 **SEC. 124. EXTENSION OF GRANT AUTHORITY FOR RADIO**
2 **FREE ASIA.**

3 Section 309(f) of the United States International
4 Broadcasting Act of 1994 (22 U.S.C. 6208(f)) is amended
5 by striking “September 30, 2010” and inserting “Sep-
6 tember 30, 2011”.

7 **SEC. 125. PERSONAL SERVICES CONTRACTING PROGRAM**
8 **FOR THE BROADCASTING BOARD OF GOV-**
9 **ERNORS.**

10 Section 504 of the Foreign Relations Authorization
11 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
12 6206 note) is amended—

13 (1) in the section heading, by striking
14 **“PILOT”**;

15 (2) in subsection (a)—

16 (A) by striking “pilot”;

17 (B) by striking “, without regard to Civil
18 Service and classification laws,”; and

19 (C) by adding at the end the following: “A
20 personal services contractor hired pursuant to
21 this section shall not be considered a Federal
22 employee (as defined under section 2105 of title
23 5, United States Code) for any purpose.”;

24 (3) in subsection (b), by adding at the end the
25 following:

1 “(5) The annual salary rate for personal serv-
2 ices contractors may not exceed the rate for level IV
3 of the Executive Schedule under section 5315 of title
4 5, United States Code.”; and

5 (4) in subsection (c)—

6 (A) by striking “the pilot program author-
7 ized by this section” and inserting “the pro-
8 gram”; and

9 (B) by striking “December 31, 2009” and
10 inserting “December 31, 2011”.

11 **SEC. 126. REAUTHORIZATION OF UNITED STATES ADVI-**
12 **SORY COMMISSION ON PUBLIC DIPLOMACY.**

13 Section 1334 of the Foreign Affairs Reform and Re-
14 structuring Act of 1998 (22 U.S.C. 6553) is amended by
15 striking “October 1, 2010” and inserting “October 1,
16 2011”.

17 **SEC. 127. DISSEMINATION OF PUBLIC DIPLOMACY INFOR-**
18 **MATION WITHIN THE UNITED STATES.**

19 Section 501(b) of the United States Information and
20 Educational Exchange Act of 1948 (22 U.S.C. 1461) is
21 amended—

22 (1) in paragraph (1), by striking “Director of
23 the United States Information Agency” and insert-
24 ing “Secretary of State”;

1 (2) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively;

3 (3) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) The Broadcasting Board of Governors may
6 make available to the Archivist of the United States, for
7 domestic distribution, motion pictures, films, videotape,
8 and other material prepared by the Broadcasting Board
9 of Governors for dissemination abroad 2 years after the
10 initial dissemination of the material abroad, or in the case
11 of such material not disseminated abroad, 2 years after
12 the preparation of the material.”; and

13 (4) by amending paragraph (3), as redesignig-
14 nated, to read as follows:

15 “(3) The Secretary of State and the Broadcasting
16 Board of Governors shall be reimbursed for any attendant
17 expenses. Any reimbursement to the Secretary or the
18 Broadcasting Board of Governors under this paragraph
19 shall be credited to the applicable appropriation of the De-
20 partment of State or the Broadcasting Board of Gov-
21 ernors.”.

22 **SEC. 128. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

23 (a) IN GENERAL.—Under the authority, direction,
24 and control of the President, the Secretary of State, in
25 accordance with the Mutual Educational and Cultural Ex-

1 change Act of 1961 (22 U.S.C. 2451 et seq.), may in-
2 crease the number of educational and cultural exchange
3 activities involving persons from scientific, medicine, re-
4 search, and academic sectors by—

5 (1) establishing new programs under such Act;

6 and

7 (2) expanding the coverage of existing programs
8 under such Act.

9 (b) SCIENCE ENVOY PROGRAM.—Section 504 of the
10 Foreign Relations Authorization Act, Fiscal Year 1979
11 (22 U.S.C. 2656d), is amended by adding at the end the
12 following:

13 “(e)(1) The Secretary may award grants and enter
14 into cooperative agreements related to science and tech-
15 nology fellowship programs of the Department of State,
16 including for assistance in recruiting fellows and the pay-
17 ment of stipends, travel, and other appropriate expenses
18 to fellows.

19 “(2) Grants awarded under this subsection may be—

20 “(A) part of the United States Science Envoy
21 program; and

22 “(B) used to select our Nation’s preeminent sci-
23 entists, Nobel laureates, and leaders in technology
24 who will travel overseas to represent the commit-
25 ment of the United States to collaborate with other

1 countries to promote the advancement of science and
2 technology throughout the world based on issues of
3 common interest and expertise.

4 “(3) Stipends awarded under this subsection shall not
5 be considered compensation for purposes of section 209
6 of title 18, United States Code.

7 “(4) The total amount of grants awarded under this
8 subsection shall not exceed \$2,000,000 in any fiscal
9 year.”.

10 **SEC. 129. GRANTS FOR INTERNATIONAL DOCUMENTARY**
11 **EXCHANGE PROGRAMS.**

12 (a) ASSISTANCE.—The Secretary of State may award
13 grants, on such terms and conditions as the Secretary may
14 determine, to United States film makers and nongovern-
15 mental organizations that use independently produced
16 documentary films to promote better understanding of—

17 (1) the United States among individuals in
18 other countries; and

19 (2) global perspectives and other countries
20 among individuals in the United States.

21 (b) USE OF GRANT FUNDS.—Grants awarded under
22 subsection (a) shall, to the maximum extent practicable,
23 be used—

24 (1) to fund, distribute, and promote documen-
25 tary films that—

1 (A) convey a diversity of views about life in
2 the United States to foreign audiences; and

3 (B) bring insightful foreign perspectives to
4 United States audiences;

5 (2) to support—

6 (A) the production of documentaries de-
7 scribed in paragraph (1) that are made by inde-
8 pendent foreign and domestic producers, se-
9 lected through a peer review process; and

10 (B) the distribution and screening of such
11 documentaries in diverse locations throughout
12 the United States;

13 (3) to develop a network of overseas partners to
14 produce, distribute, and broadcast such documen-
15 taries according to the allowable rights of each pro-
16 gram; and

17 (4) to help distribute foreign documentaries in
18 the United States.

19 (c) PREFERENCE FACTORS.—In awarding grants
20 under this section, the Secretary shall give preference to
21 nongovernmental organizations that—

22 (1) are as cost effective as possible; and

23 (2) have experience supporting independently
24 produced documentary films.

1 (d) REPORT.—Not later than 2 years after the date
2 of the enactment of this Act, the Secretary shall submit
3 a report to Congress that describes in detail the implemen-
4 tation of this section.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—Of the
6 amounts authorized to be appropriated for Educational
7 and Cultural Exchange Programs under section 101(6),
8 there is authorized to be appropriated to the Secretary of
9 State such sums as may be necessary for each of fiscal
10 years 2010 and 2011 to carry out this section.

11 **Subtitle C—Consular Services and** 12 **Related Matters**

13 **SEC. 131. REFORMING REFUGEE PROCESSING.**

14 (a) FAMILY REUNIFICATION.—

15 (1) MULTIPLE FORMS OF RELIEF.—Section
16 207(c)(1) of the Immigration and Nationality Act (8
17 U.S.C. 1157(c)(1)) is amended by adding at the end
18 “Applicants for admission as refugees under this
19 section may simultaneously pursue admission under
20 any visa category for which such applicants may be
21 eligible.”.

22 (2) SEPARATED CHILDREN.—Section 207(c)(2)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1157(c)(2)) is amended—

1 (A) in subparagraph (A), by striking the
2 last sentence;

3 (B) by redesignating subparagraph (B) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (A)
6 the following:

7 “(B) A child who is younger than 18 years of age
8 on the date of the child’s application for admission as a
9 refugee shall be admitted as a refugee if not otherwise en-
10 titled to such admission if—

11 “(i) such child is an orphan because of the
12 death or disappearance of, abandonment or deser-
13 tion by, or separation or loss from, both parents, or
14 for whom the sole or surviving parent is incapable
15 of providing the proper care and has relinquished
16 physical custody of the child;

17 “(ii) such child is in the physical custody of,
18 and living under the care of, an alien approved for
19 admission to the United States as a refugee under
20 paragraph (1);

21 “(iii) it is in the best interest of such child to
22 be placed with the alien described in clause (ii);

23 “(iv) such child is not a person described in the
24 second sentence of section 101(a)(42); and

1 “(v) such child is otherwise admissible under
2 paragraph (3).”.

3 (3) CHILDREN OF REFUGEE SPOUSES.—

4 (A) REFUGEES.—Section 207(c) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1157(c)) is amended—

7 (i) in paragraph (2)—

8 (I) by inserting after subpara-
9 graph (B), as added by paragraph
10 (2), the following:

11 “(C) If a person granted refugee status under sub-
12 paragraph (A) proves that he or she is the birth parent
13 or adoptive parent of a child and such child was under
14 the age of 21 on the date the parent was granted such
15 status, such child shall be eligible for admission as a ref-
16 ugee if the child—

17 “(i) is accompanying or following to join such
18 parent;

19 “(ii) is not a person described in the second
20 sentence of section 101(a)(42); and

21 “(iii) is admissible (except as otherwise pro-
22 vided under paragraph (3)).”; and

23 (II) by adding at the end the fol-
24 lowing:

1 “(E) The admission of a person as a refugee under
2 this paragraph shall be charged against the numerical lim-
3 itation established in accordance with the appropriate sub-
4 section under which the principal refugee’s admission is
5 charged.”; and

6 (ii) in paragraph (4), by inserting “or
7 the spouse’s child” after “of the alien”.

8 (B) ASYLEES.—Section 208(b)(3) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1158(b)(3)) is amended—

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

13 (ii) by inserting after subparagraph
14 (A) the following:

15 “(B) ELIGIBILITY OF CHILD TO JOIN PAR-
16 ENT.—If an alien who qualifies for asylee sta-
17 tus under subparagraph (A) as the spouse of an
18 alien who has been granted asylum under this
19 subsection proves that he or she is the birth
20 parent or adoptive parent of a child and such
21 child was under the age of 21 on the date the
22 parent was granted such status, such child shall
23 be granted asylee status if the child—

24 “(i) is accompanying or following to
25 join such parent; and

1 “(ii) is otherwise admissible.”.

2 (b) ADJUSTMENTS OF STATUS OF REFUGEES.—Sec-
3 tion 209 of the Immigration and Nationality Act (8 U.S.C.
4 1159) is amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) REQUIREMENTS FOR ADJUSTMENT OF STATUS
8 OF REFUGEE.—

9 “(1) IN GENERAL.—The Secretary of Homeland
10 Security or the Attorney General, in the discretion
11 of the Secretary or the Attorney General and under
12 such regulations as the Secretary or the Attorney
13 General may prescribe, may adjust the status of any
14 alien admitted as a refugee under section 207 to the
15 status of an alien lawfully admitted for permanent
16 residence if the alien—

17 “(A) applies for such adjustment;

18 “(B) has been physically present in the
19 United States for at least 1 year after being ad-
20 mitted as a refugee;

21 “(C) is not firmly resettled in any foreign
22 country;

23 “(D) has not had his or her refugee status
24 terminated by the Secretary of Homeland Secu-
25 rity under section 207(c)(4);

1 “(E) is not, as of the date of application
2 for adjustment, the subject of a procedure to
3 terminate refugee status, pursuant to such reg-
4 ulations as the Secretary of Homeland Security
5 may prescribe; and

6 “(F) is admissible (except as otherwise
7 provided under subsection (e)) as an immigrant
8 under this Act at the time of examination for
9 adjustment of such alien.

10 “(2) RECORD.—Notwithstanding any numerical
11 limitation under this Act, the Secretary of Homeland
12 Security or the Attorney General shall, upon the ap-
13 proval of an application under paragraph (1), estab-
14 lish a record of the alien’s admission for lawful per-
15 manent residence as of—

16 “(A) the date of such alien’s admission as
17 a refugee, if the alien applies for adjustment
18 not later than 2 years after the date of admis-
19 sion as a refugee; or

20 “(B) the date of the application for adjust-
21 ment in all other cases.”; and

22 (2) in subsection (e), by adding at the end “An
23 application for adjustment under this section may be
24 filed up to 3 months before the date on which the

1 applicant would first otherwise be eligible for adjust-
2 ment under this section.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect on the first day of the first
5 fiscal year that begins after the date of the enactment of
6 this Act.

7 **SEC. 132. DEFINITION OF “USE” IN PASSPORT AND VISA OF-**
8 **FENSES.**

9 Chapter 75 of title 18, United States Code, is amend-
10 ed—

11 (1) in the table of sections, by inserting before
12 the item relating to section 1541 the following:

“1540. Meaning of ‘use’ and ‘uses.’”;

13 and

14 (2) by inserting before section 1541 the fol-
15 lowing:

16 **“§ 1540. Meaning of ‘use’ and ‘uses’**

17 “For purposes of this chapter, the terms ‘use’ and
18 ‘uses’ shall be given their plain meaning, including use for
19 identification purposes.”.

20 **SEC. 133. VISA INELIGIBILITY FOR INTERNATIONAL CHILD**
21 **ABDUCTION.**

22 Section 212(a)(10)(C)(iii) of the Immigration and
23 Nationality Act (8 U.S.C. 1182(a)(10)(C)(iii)) is amend-
24 ed—

25 (1) in subclause (I), by adding “or” at the end;

1 (2) in subclause (II), by striking “; or” at the
2 end and inserting a period; and

3 (3) by striking subclause (III).

4 **SEC. 134. VACCINATION WAIVER FOR ADOPTED CHILDREN.**

5 Section 212(a)(1)(C)(ii) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by
7 striking “section 101(b)(1)(F),” and inserting “subpara-
8 graph (F) or (G) of section 101(b)(1);”.

9 **SEC. 135. SIGNED PHOTOGRAPH REQUIREMENT FOR VISA**
10 **APPLICATIONS.**

11 Section 221(b) of the Immigration and Nationality
12 Act (8 U.S.C. 1201(b)) is amended by striking “signed
13 by him”.

14 **SEC. 136. ELECTRONIC TRANSMISSION OF DOMESTIC VIO-**
15 **LENCE INFORMATION TO VISA APPLICANTS.**

16 Section 833(a)(5)(A) of the Violence Against Women
17 and Department of Justice Reauthorization Act of 2005
18 (8 U.S.C. 1375a(a)(5)(A)) is amended by adding at the
19 end the following:

20 “(iv) Subject to such regulations as
21 the Secretary of State may prescribe, mail-
22 ings required under this subsection may be
23 transmitted by electronic means if an ap-
24 plicant consents to electronic service.”.

1 **SEC. 137. SIBLING ADOPTIONS.**

2 Section 101(b)(1)(G) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(b)(1)(G)) is amended—

4 (1) by redesignating clause (ii) as subclause
5 (VI);

6 (2) by striking “25 years of age” and all that
7 follows through “if—” and inserting “25 years of
8 age, if—”;

9 (3) by striking “a child under the age of six-
10 teen” and inserting the following “a child who—

11 “(i) is younger than 16 years of age”;

12 (4) in subclause (VI), as redesignated, by strik-
13 ing the period at the end and inserting “; or”; and

14 (5) by adding at the end the following:

15 “(ii) subject to the same conditions as
16 in clause (i), except with respect to the age
17 of the child—

18 “(I) is a natural sibling of a child
19 described in clause (i), subparagraph
20 (E)(i), or subparagraph (F)(i);

21 “(II) has been adopted abroad,
22 or is coming to the United States for
23 adoption, by the adoptive parent (or
24 prospective adoptive parent) or par-
25 ents of the sibling described in clause

1 (i), subparagraph (E)(i), or subpara-
2 graph (F)(i); and

3 “(III) is younger than 18 years
4 of at the time a petition is filed in his
5 or her behalf to accord a classification
6 as an immediate relative under section
7 201(b).”.

8 **SEC. 138. PASSPORT EXECUTION FEE.**

9 Section 1(a) of the Act of June 4, 1920 (22 U.S.C.
10 214(a)) is amended by striking “and a fee, prescribed by
11 the Secretary of State by regulation, for executing each
12 such application except that the” and inserting “. There
13 shall also be collected a fee, prescribed by the Secretary
14 of State by regulation, for executing each such application,
15 which, for applications filed at passport facilities opened
16 after October 1, 2008, shall be deposited as an offsetting
17 collection to the appropriate Department of State appro-
18 priation, to remain available until expended to recover the
19 costs of passport processing. The”.

20 **SEC. 139. FRAUD PREVENTION AND DETECTION FEES.**

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

23 (1) in the matter preceding clause (i), by strik-
24 ing “at United States embassies and consulates
25 abroad”;

1 (2) in clause (ii)—

2 (A) by striking “primarily”; and

3 (B) by striking “or pursuant to the terms
4 of a memorandum of understanding or other
5 agreement between the Secretary of State and
6 the Secretary of Homeland Security; and” and
7 inserting “, as appropriate;”;

8 (3) by redesignating clause (iii) as clause (iv);

9 and

10 (4) by inserting after clause (ii) the following:

11 “(iii) to purchase, lease, construct,
12 and operate facilities for the processing of
13 visas described in subparagraph (H)(i),
14 (H)(ii), or (L) of section 101(a)(15); and”.

15 **SEC. 140. TECHNICAL AMENDMENTS RELATING TO THE IN-**
16 **TELLIGENCE REFORM AND TERRORISM PRE-**
17 **VENTION ACT OF 2004.**

18 Title VII of the Intelligence Reform and Terrorism
19 Prevention Act of 2004 (Public Law 108–458) is amend-
20 ed—

21 (1) in section 7201(c)(1), by inserting “and the
22 Department of State” after “used by the Depart-
23 ment of Homeland Security”; and

24 (2) in section 7209(d) (8 U.S.C. 1185 note), by
25 striking “the Secretary, in conjunction with the Sec-

1 retary of Homeland Security” and inserting “the
2 Secretary of Homeland Security, in consultation
3 with the Secretary of State”.

4 **TITLE II—ORGANIZATION AND**
5 **PERSONNEL OF THE DEPART-**
6 **MENT OF STATE**

7 **Subtitle A—Modernizing the**
8 **Department of State**

9 **SEC. 201. CREATION OF A MODERN AND EXPEDITIONARY**
10 **FOREIGN SERVICE.**

11 (a) TARGETED EXPANSION OF FOREIGN SERVICE.—

12 The Secretary of State shall expand the Foreign Service
13 to—

14 (1) fill vacancies, particularly overseas vacan-
15 cies that are critical to key United States foreign
16 policy and national security interests, to prevent cri-
17 ses from emerging;

18 (2) increase the capacity of the Department of
19 State to assign and deploy Foreign Service officers
20 and other personnel to prevent, mitigate, and re-
21 spond to international crises and instability in for-
22 eign countries that threaten key United States for-
23 eign policy and national security interests; and

1 (3) ensure that members of the Foreign Serv-
2 ice, before beginning assignments that require addi-
3 tional or improved skills—

4 (A) receive language, security, area, and
5 other training that is necessary to successfully
6 execute their responsibilities in their new as-
7 signments; and

8 (B) have the opportunity to obtain ad-
9 vanced and other education that will increase
10 the capacity of the Foreign Service to complete
11 its mission.

12 (b) AUTHORIZED PERSONNEL INCREASES.—

13 (1) DEPARTMENT OF STATE.—The Secretary of
14 State is authorized to increase the number of mem-
15 bers of the Foreign Service—

16 (A) by 750 above attrition during fiscal
17 year 2010; and

18 (B) by an additional 750 above attrition
19 during fiscal year 2011.

20 (2) USAID.—In addition to the personnel in-
21 creases authorized under paragraph (1), the Admin-
22 istrator of the United States Agency for Inter-
23 national Development (USAID) is authorized to in-
24 crease the number of members of the Foreign Serv-
25 ice employed by USAID—

1 (A) by 350 above attrition during fiscal
2 year 2010; and

3 (B) by an additional 350 above attrition
4 during fiscal year 2011.

5 (3) RULE OF CONSTRUCTION.—Nothing in this
6 subsection may be construed to limit the authority
7 of the Secretary of State or the Administrator of the
8 United States Agency for International Development
9 to hire personnel.

10 (c) TRAINING.—Section 708 of the Foreign Service
11 Act of 1980 (22 U.S.C. 4028) is amended by adding at
12 the end the following:

13 “(d) The Secretary of State shall ensure that mem-
14 bers of the Service, before receiving assignments that re-
15 quire new and improved skills—

16 “(1) receive language, security, area, and other
17 training that is necessary to successfully execute
18 their responsibilities in their new assignments; and

19 “(2) have opportunities during their careers to
20 obtain advanced education and training in academic
21 and other relevant institutions in the United States
22 and in other countries to increase the capacity of the
23 Service to fulfill its mission.”.

1 **SEC. 202. CONFLICT PREVENTION, MITIGATION, AND RESO-**
2 **LUTION TRAINING.**

3 (a) IN GENERAL.—Section 708 of the Foreign Serv-
4 ice Act of 1980, as amended by section 301(d), is further
5 amended by adding at the end the following:

6 “(e) The Secretary of State shall ensure that relevant
7 officers of the Foreign Service deploying to areas under-
8 going significant conflict or considered to be at risk of sig-
9 nificant conflict receive appropriate advanced training in
10 conflict prevention, mitigation, and resolution, including
11 an understanding of—

12 “(1) peace processes, negotiations, and decision-
13 making;

14 “(2) patterns of escalation;

15 “(3) country and region-specific issues, includ-
16 ing resource allocation, as contributing factors to
17 peace or conflict; and

18 “(4) how to function successfully when—

19 “(A) public order has been undermined by
20 instability; or

21 “(B) there is no civil authority that can ef-
22 fectively provide public safety.”.

23 (b) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Secretary shall submit
25 a report to the appropriate congressional committees that
26 describes the efforts made by the Department of State to

1 further expand and facilitate conflict prevention, mitiga-
 2 tion, and resolution training.

3 **Subtitle B—Foreign Services**
 4 **Overseas Pay Equity**

5 **SEC. 211. SHORT TITLE.**

6 This subtitle may be cited as the “Foreign Service
 7 Overseas Pay Equity Act of 2009”.

8 **SEC. 212. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

9 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

10 (1) IN GENERAL.—Chapter 4 of title I of the
 11 Foreign Service Act of 1980 (22 U.S.C. 3961 et
 12 seq.) is amended by adding at the end the following:

13 **“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

14 “(a) IN GENERAL.—A member of the Service who is
 15 designated class 1 or below for purposes of section 403
 16 and whose official duty station is neither in the continental
 17 United States nor in a nonforeign area shall receive, in
 18 accordance with the phase-in schedule set forth in sub-
 19 section (c), a locality-based comparability payment (stated
 20 as a percentage) equal to the locality-based comparability
 21 payment (stated as a percentage) that would be provided
 22 under section 5304 of title 5, United States Code, if such
 23 member’s official duty station were in the District of Co-
 24 lumbia.

1 “(b) TREATMENT AS BASIC PAY.—The amount of
2 any locality-based comparability payment, which is pay-
3 able to a member of the Service under this section—

4 “(1) shall be considered a part of the basic pay
5 of such member for the purposes described in—

6 “(A) section 5304(c)(2)(A) of title 5,
7 United States Code; and

8 “(B) chapter 8 of this Act; and

9 “(2) shall be subject to any limitations on pay
10 applicable to locality-based comparability payments
11 under section 5304 of title 5, United States Code.

12 “(c) PHASE-IN.—The locality-based comparability
13 payment payable to a member of the Service under this
14 section—

15 “(1) during the period beginning on the first
16 day of the first full pay period that is 90 days after
17 the date of the enactment of this subsection, and
18 ending on the last day of the last pay period in fiscal
19 year 2009, shall be up to 33.33 percent of the pay-
20 ment which would otherwise apply under subsection
21 (a);

22 “(2) during the period beginning on the first
23 day of the first pay period in fiscal year 2010 and
24 ending on the last day of the last pay period in fiscal
25 year 2010, shall be up to 66.67 percent of the pay-

1 ment which would otherwise apply under subsection
2 (a); and

3 “(3) beginning on the first day of the first pay
4 period in fiscal year 2011, shall be equal to the pay-
5 ment determined under subsection (a).

6 “(d) NONFOREIGN AREA DEFINED.—In this section,
7 the term ‘nonforeign area’ means 1 of the areas listed in
8 section 591.205 of title 5, Code of Federal Regulations.”.

9 (2) CONFORMING AMENDMENT.—The table of
10 contents under section 2 of the Foreign Service Act
11 of 1980 (22 U.S.C. 3901 et seq.) is amended by in-
12 serting after the item relating to section 414 the fol-
13 lowing:

“Sec. 415. Overseas comparability pay adjustment.”.

14 (b) CONFORMING AMENDMENTS RELATING TO THE
15 FOREIGN SERVICE RETIREMENT SYSTEMS.—

16 (1) CONTRIBUTIONS TO THE FUND.—

17 (A) IN GENERAL.—Section 805(a) of the
18 Foreign Service Act of 1980 (22 U.S.C.
19 4045(a)) is amended—

20 (i) in paragraph (1)—

21 (I) by striking “7.25 percent”
22 and inserting “7 percent”; and

23 (II) by striking “The contribu-
24 tion by the employing agency” and all
25 that follows through “and shall be

1 made” and inserting “An equal
2 amount shall be contributed by the
3 employing agency”;

4 (ii) in paragraph (2)—

5 (I) in subparagraph (A), by strik-
6 ing “, plus an amount equal to .25
7 percent of basic pay”; and

8 (II) in subparagraph (B), by
9 striking “, plus an amount equal to
10 .25 percent of basic pay”; and

11 (iii) in paragraph (3), by striking “,
12 plus .25 percent”.

13 (B) EFFECTIVE DATE.—The amendments
14 made by subparagraph (A) shall take effect on
15 the first day of the first pay period beginning
16 on or after October 1, 2011 (or during any por-
17 tion of such pay period).

18 (2) COMPUTATION OF ANNUITIES.—Section
19 806(a)(9) of the Foreign Service Act of 1980 (22
20 U.S.C. 4046(a)(9)) is amended by striking “is out-
21 side the continental United States shall” and insert-
22 ing “was outside the continental United States dur-
23 ing the period beginning on December 29, 2002, and
24 ending on the day before the first day of the first
25 pay period beginning on or after October 1, 2010,

1 shall, to the extent that such computation is based
2 on the basic salary or basic pay of such member
3 while the member was outside the United States,”.

4 (3) ENTITLEMENT TO ANNUITY.—Section
5 855(a)(3) of the Foreign Service Act of 1980 (22
6 U.S.C. 4071d(a)(3)) is amended—

7 (A) by striking “section 8414” and insert-
8 ing “section 8415”; and

9 (B) by striking “is outside the continental
10 United States shall” and inserting “was outside
11 the continental United States during the period
12 beginning on December 29, 2002, and ending
13 on the day before the first day of the first pay
14 period beginning on or after October 1, 2011
15 (or during any portion of such pay period),
16 shall, to the extent that such computation is
17 based on the basic salary or basic pay of such
18 member while the member was outside the
19 United States,”.

20 (4) DEDUCTIONS AND WITHHOLDINGS FROM
21 PAY.—Section 856(a)(2) of such Act (22 U.S.C.
22 4071e(a)(2)) is amended to read as follows:

23 “(2) The applicable percentage specified in this para-
24 graph shall be as follows:

“Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2011.”.

1 (c) REPORTING REQUIREMENT.—Not later than Oc-
2 tober 1, 2011, the Secretary of State shall submit a report
3 to the Committee on Foreign Relations of the Senate, the
4 Committee on Homeland Security and Governmental Af-
5 fairs of the Senate, the Committee on Foreign Affairs of
6 the House of Representatives, and Committee on Over-
7 sight and Government Reform of the House of Represent-
8 atives that includes—

9 (1) an assessment of all allowances provided to
10 members of the Foreign Service under—

11 (A) the Foreign Service Act of 1980; or

12 (B) title 5, United States Code; and

13 (2) an explanation of how such allowances have
14 been, or will be, affected by the amendments to the
15 Foreign Service Act of 1980 made under this Act.

1 **Subtitle C—Other Organization**
2 **and Personnel Matters**

3 **SEC. 221. DEATH GRATUITY.**

4 Section 413(a) of the Foreign Service Act of 1980
5 (22 U.S.C. 3973(a)) is amended by striking “at the time
6 of death.” and inserting “at level II of the Executive
7 Schedule under section 5313 of title 5, United States
8 Code, at the time of death except that for employees com-
9 pensated under a local compensation plan established
10 under section 408, the amount of such gratuity shall be
11 equal to the greater of 1 year’s salary at the time of death
12 or 1 year’s basic salary at the highest step of the highest
13 grade on the local compensation plan from which the em-
14 ployee was being paid at the time of death.”.

15 **SEC. 222. EXPANSION AND EXTENSION OF ANNUITANT**
16 **WAIVER FOR RESPONSE READINESS CORPS.**

17 (a) AMENDMENTS TO STATE DEPARTMENT BASIC
18 AUTHORITIES ACT OF 1956.—Section 61(a) of the State
19 Department Basic Authorities Act of 1956 (22 U.S.C.
20 2733(a)) is amended—

21 (1) in paragraph (1), by striking “or to posts
22 vacated” and inserting “, to positions in the Re-
23 sponse Readiness Corps, or to posts vacated”; and

24 (2) in paragraph (2), by striking “2010” and
25 inserting “2012”.

1 (b) AMENDMENTS TO FOREIGN ASSISTANCE ACT OF
2 1961.—Section 625(j)(1) of the Foreign Assistance Act
3 of 1961 (22 U.S.C. 2385(j)(1)) is amended—

4 (1) in subparagraph (A), by striking “or to
5 posts vacated” and inserting “, to positions in the
6 Response Readiness Corps, or to posts vacated”; and

7 (2) in subparagraph (B), by striking “2010”
8 and inserting “2012”.

9 **SEC. 223. REEMPLOYMENT OF ANNUITANTS.**

10 Section 824(g) of the Foreign Service Act of 1980
11 (22 U.S.C. 4064(g)) is amended—

12 (1) in paragraph (1)(B), by striking “to facili-
13 tate the assignment of persons to Iraq and Afghani-
14 stan or to posts vacated by members of the Service
15 assigned to Iraq and Afghanistan”;

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraph (3) as para-
18 graph (2).

19 **SEC. 224. LOCALLY EMPLOYED STAFF.**

20 (a) FINDINGS.—Based on information obtained from
21 the April 2009 report from the Office of the Inspector
22 General of the Department of State and the Broadcasting
23 Board of Governors, entitled “Review of Locally Employed
24 Staff Compensation Issues” (Report Number ISP–I–09–
25 44), Congress makes the following findings:

1 (1) U.S. embassies and consulates worldwide
2 retain over 51,000 locally employed (LE) staff under
3 local compensation plans (LCPs) in about 170 over-
4 seas missions. A report by the Office of the Inspec-
5 tor General of the Department of State and the
6 Broadcasting Board of Governors, entitled “Review
7 of Locally Employed Staff Compensation Issues”
8 (Report Number ISP–I–09–44), stated that: “The
9 U.S. is falling behind in providing a competitive
10 compensation package for LE staff that is commen-
11 surate with their experience, technical skills, and re-
12 sponsibilities”.

13 (2) The ability of United States overseas mis-
14 sions to retain LE staff and to recruit new, qualified
15 staff is vital to the success of those missions.

16 (3) To addresses differences in the skill levels
17 required for different categories of LE staff posi-
18 tions, the Inspector General’s report recommended
19 that “separate data and separate scales should be
20 established for certain types of employees”.

21 (4) The current LE staff compensation review
22 process requires improvement, including increasing
23 transparency and interagency involvement, reducing
24 disparities between the salary and budget cycles, and

1 improving the use of outmoded and cumbersome
2 communication technology.

3 (b) REVIEW.—

4 (1) IN GENERAL.—Not later than 180 days
5 after date of the enactment of this Act, and not less
6 than every 5 years thereafter, the Secretary of State
7 shall—

8 (A) review salary and compensation guide-
9 lines for overseas, locally employed staff of the
10 Department of State;

11 (B) review—

12 (i) whether the United States is fall-
13 ing behind in providing a competitive com-
14 pensation package for locally employed
15 staff that is commensurate with their expe-
16 rience, technical skills, and responsibilities;
17 and

18 (ii) the implications for providing av-
19 erage salary increases that are approxi-
20 mately 60 percent of prevailing practice;

21 (C) provide recommendations on how to re-
22 cruit new, qualified staff; and

23 (D) provide recommendations for separate
24 data and a separate pay scale for highly skilled
25 and trained professional positions.

1 (2) COMPENSATION DATABASE.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Secretary of State shall establish a comprehen-
4 sive database for salary and compensation informa-
5 tion for such staff, as recommended by the Office of
6 Inspector General in a April 2009 report entitled
7 “Review of Locally Employed Staff Compensation
8 Issues” (Report Number ISP–I–09–44).

9 (3) PAY SCALES FOR LOCALLY EMPLOYED PRO-
10 FESSIONALS.—The review under paragraph (1)(A)
11 shall include a summary of efforts to address pay
12 scales for locally employed staff to ensure adequate
13 compensation for professional level positions, such as
14 medical officers, laboratory management, public
15 health information technology positions, and other
16 highly skilled positions.

17 (c) GUIDELINES.—Not later than 90 days after en-
18 actment of this Act, the Secretary of State shall consult
19 with appropriate congressional committees on proposed
20 guidelines for awards, pay scales, and compensation of
21 overseas, locally employed staff of the Department of
22 State, including for loss of life while on duty.

23 (d) LOCALLY EMPLOYED STAFF DEFINED.—In this
24 section, the term “locally employed staff” means employ-
25 ees compensated under local compensation plans estab-

1 lished under section 408 of the Foreign Service Act of
2 1980 (22 U.S.C. 3968).

3 **SEC. 225. REPEAL OF RECERTIFICATION REQUIREMENT**
4 **FOR SENIOR FOREIGN SERVICE.**

5 Section 305 of the Foreign Service Act of 1980 (22
6 U.S.C. 3945) is amended by striking subsection (d).

7 **SEC. 226. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

8 Title I of the State Department Basic Authorities Act
9 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
10 at the end the following:

11 **“SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

12 “(a) IN GENERAL.—The Secretary may establish ex-
13 change programs under which officers or employees of the
14 Department of State, including individuals appointed
15 under title 5, United States Code, and members of the
16 Foreign Service may be assigned, for a period not to ex-
17 ceed 1 year, to a position with any foreign government
18 or international entity that permits an employee to be as-
19 signed to a position with the Department of State.

20 “(b) SALARY AND BENEFITS.—

21 “(1) FOREIGN SERVICE MEMBERS.—During a
22 period in which a member of the Foreign Service is
23 participating in an exchange program authorized
24 under subsection (a), such member shall be entitled
25 to the salary and benefits to which such member

1 would be entitled if such member were assigned to
2 an agency, international organization, or other body
3 under section 503 of the Foreign Service Act of
4 1980 (22 U.S.C. 3983).

5 “(2) DETAILEES.—An employee of the Depart-
6 ment of State (other than a member of the Foreign
7 Service participating in an exchange program au-
8 thorized under subsection (a)) shall be treated in all
9 respects as if detailed to an international organiza-
10 tion under section 3343(b) of title 5, United States
11 Code. The salary of such employee shall be the high-
12 er of the salary that the employee would receive but
13 for the assignment under this section or the salary
14 of the position to which the employee is assigned.

15 “(3) PAYMENT.—The salary and benefits of an
16 employee of a foreign government or international
17 entity participating in a program established under
18 this section shall be paid by such government or en-
19 tity during the period in which such employee is par-
20 ticipating in the program, and shall not be reim-
21 bursed by the Department of State.

22 “(c) NONRECIPROCAL ASSIGNMENTS.—The Sec-
23 retary may authorize a nonreciprocal assignment of per-
24 sonnel pursuant to this section, with or without reimburse-
25 ment from the foreign government or international entity

1 for all or part of the salary and other expenses payable
 2 during the assignment, if such assignment is in the inter-
 3 ests of the United States.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
 5 tion may be construed to authorize the appointment as
 6 an officer or employee of the United States of—

7 “(1) an individual whose allegiance is to any
 8 country, government, or foreign or international en-
 9 tity other than to the United States; or

10 “(2) an individual who has not met the require-
 11 ments of sections 3331, 3332, 3333, and 7311 of
 12 title 5, United States Code, and any other provision
 13 of law concerning eligibility for appointment, and
 14 continuation of employment, as an officer or em-
 15 ployee of the United States.”.

16 **SEC. 227. ENHANCED PERSONNEL AUTHORITIES FOR THE**
 17 **INSPECTOR GENERAL OF THE DEPARTMENT**
 18 **OF STATE.**

19 (a) DEFINITIONS.—In this section:

20 (1) ANNUITANT.—The term “annuitant” means
 21 an individual who, based on the service of such indi-
 22 vidual, is entitled to benefits under a retirement sys-
 23 tem for Government employees.

24 (2) GOVERNMENT EMPLOYEE.—The term
 25 “Government employee” has the meaning given the

1 term “employee” in section 2105(a) of title 5,
2 United States Code.

3 (3) INSPECTOR GENERAL.—The term “Inspec-
4 tor General” means the Inspector General of the De-
5 partment of State.

6 (4) OFFICE.—The term “Office” means the Of-
7 fice of Inspector General of the Department of
8 State.

9 (b) PROVISIONS RELATING TO REEMPLOYED ANNU-
10 ITANTS.—

11 (1) WAIVER AUTHORITY.—Subject to the condi-
12 tions set forth in paragraph (3), the Inspector Gen-
13 eral may waive the application of any provision of
14 law set forth in paragraph (2) on behalf of any re-
15 employed annuitant serving in a position within the
16 Office.

17 (2) PROVISIONS.—The provisions of law set
18 forth in this paragraph are—

19 (A) subsections (a) through (d) of section
20 8344 of title 5, United States Code;

21 (B) subsections (a) through (e) of section
22 8468 of title 5, United States Code;

23 (C) subsections (a) through (d) of section
24 824 of the Foreign Service Act of 1980 (22
25 U.S.C. 4064); and

1 (D) any other similar provision of law, as
2 identified by the Inspector General in regula-
3 tions.

4 (3) CONDITIONS.—Waiver authority under this
5 subsection may be exercised only—

6 (A) on a case-by-case basis; and

7 (B) if, and for so long as, such waiver—

8 (i) is necessary due to—

9 (I) difficulty in the recruitment
10 or retention of a qualified employee
11 for the position involved; or

12 (II) a temporary emergency hir-
13 ing need; and

14 (ii) does not cause the number of em-
15 ployees within the Office who are exempted
16 from 1 or more of the provisions of law set
17 forth in paragraph (2) (whether pursuant
18 to a waiver under this subsection or other-
19 wise) to exceed, as of any given date, 35
20 percent of the total workforce of the Of-
21 fice, determined on a full-time equivalent
22 basis.

23 (4) RULE OF CONSTRUCTION.—Nothing in this
24 subsection may be construed to permit or require
25 that any reemployed annuitant benefitting from a

1 waiver of a provision of law set forth in paragraph
2 (2) be treated as a Government employee for pur-
3 poses of the retirement system to which such provi-
4 sion relates.

5 (c) PROVISIONS RELATING TO CONTRACTS FOR PER-
6 SONAL SERVICES.—

7 (1) IN GENERAL.—The Inspector General may
8 contract with United States citizens for personal
9 services to facilitate and support the Office’s over-
10 sight of programs and operations. Such citizens shall
11 not, by virtue of any such contract, be considered to
12 be Government employees for purposes of any law
13 administered, in whole or in part, by the Office of
14 Personnel Management.

15 (2) RELATION TO OTHER LAWS.—Except as
16 provided in paragraph (2), this subsection shall not
17 affect any determination as to whether an individual
18 performing services pursuant to any contract under
19 this subsection is a Government employee for pur-
20 poses of any law of the United States. The Secretary
21 of State may determine the applicability, with re-
22 spect to any such individual, of any law adminis-
23 tered, in whole or in part, by the Secretary.

1 (3) CONDITIONS.—The Inspector General may
2 not enter into a personal services contract under this
3 subsection unless—

4 (A) in the judgment of the Inspector Gen-
5 eral, personnel resources of the Office would
6 otherwise be insufficient;

7 (B) the contract is for a term of 2 years
8 or less, unless the Inspector General determines
9 that exceptional circumstances justify an exten-
10 sion of not longer than 1 additional year; and

11 (C) not more than 20 percent of the work-
12 force of the Office, as of any given date, con-
13 sists of individuals serving under personal serv-
14 ices contracts (whether entered into under this
15 subsection or otherwise), determined on a full-
16 time equivalent basis.

17 (4) OTHER AUTHORITIES NOT AFFECTED.—The
18 authority under this subsection is in addition to any
19 other authority available to the Inspector General to
20 engage individuals under a personal services con-
21 tract.

22 (d) REPORT.—In the Office of the Inspector Gen-
23 eral’s semiannual report to Congress, the Inspector Gen-
24 eral shall include information on the usage and rationale
25 related to annuitants hired under this section.

1 **SEC. 228. PERSONAL SERVICES CONTRACTORS.**

2 (a) IN GENERAL.—In addition to other authorities
3 that may be available, the Secretary of State may establish
4 a pilot program (referred to in this section as the “Pro-
5 gram”) to respond to new or emerging needs or to aug-
6 ment existing services by contracting with United States
7 nationals and aliens lawfully admitted for permanent resi-
8 dence to provide personal services in the United States
9 or in the United States and outside the United States.

10 (b) CONDITIONS.—The Program authorized under
11 subsection (a) may be established if—

12 (1) the Secretary determines that existing per-
13 sonnel resources are insufficient;

14 (2) the length of each contract, including op-
15 tions, is not greater than 2 years, unless the Sec-
16 retary determines that exceptional circumstances
17 justify an extension of up to 1 additional year;

18 (3) not more than 200 people are employed at
19 any time as personal services contractors under this
20 section; and

21 (4) the Program is only used to obtain special-
22 ized skills or experience or to respond to urgent
23 needs.

24 (c) STATUS OF PERSONAL SERVICE CONTRAC-
25 TORS.—

1 (1) OFFICE OF PERSONNEL MANAGEMENT.—An
2 individual entering into a personal services contract
3 under the Program shall not, by virtue of such hir-
4 ing, be considered to be an employee of the United
5 States Government for purposes of any law adminis-
6 tered by the Office of Personnel Management. The
7 Secretary may determine the applicability to such in-
8 dividuals of section 2(f) of the State Department
9 Basic Authorities Act (22 U.S.C. 2669(f)) and of
10 any other law administered by the Secretary con-
11 cerning the employment of such individuals.

12 (2) FEDERAL EMPLOYMENT STATUS.—Except
13 as provided in paragraph (1), this section shall not
14 affect the determination as to whether an individual
15 entering into a personal services contract under the
16 Program is an employee of the United States Gov-
17 ernment for purposes of any Federal law.

18 (d) TERMINATION OF AUTHORITY.—

19 (1) IN GENERAL.—The authority to award per-
20 sonal services contracts under the Program shall ter-
21minate on September 30, 2014.

22 (2) EFFECT ON EXISTING CONTRACTS.—Any
23 contract entered into before the termination date set
24 forth in paragraph (1) may remain in effect until
25 the expiration date set forth in such contract.

1 **SEC. 229. AMENDMENT TO THE FOREIGN SERVICE ACT OF**
2 **1980.**

3 Section 209 of the Foreign Service Act of 1980 (22
4 U.S.C. 3929) is amended—

5 (1) in subsection (c), by striking paragraph (5);

6 and

7 (2) in subsection (d)(2)—

8 (A) in subparagraph (D), by adding “and”

9 at the end;

10 (B) in subparagraph (E), by striking “;

11 and” and inserting a period; and

12 (C) by striking subparagraph (F).

13 **TITLE III—INTERNATIONAL**
14 **ORGANIZATIONS**

15 **SEC. 301. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
16 **ORGANIZATIONS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Secretary should—

19 (1) ensure that the Department of State is able
20 to appropriately staff United States missions both
21 within the United States and abroad that are dedi-
22 cated to representing the United States to inter-
23 national organizations and multilateral institutions,
24 including missions in New York, Brussels, Geneva,
25 Rome, Montreal, Nairobi, Vienna, and Paris;

1 (2) develop persons with specialized skills nec-
2 essary to become experts in multilateral diplomacy
3 given the large number of positions in the United
4 States and abroad that are dedicated to this spe-
5 cialty; and

6 (3) consider as a factor for promotions whether
7 a member of the Foreign Service has served in a po-
8 sition whose primary responsibility is to formulate
9 policy toward, or represent the United States at, an
10 international organization, a multilateral institution,
11 or a broad-based multilateral negotiation of an inter-
12 national instrument.

13 **SEC. 302. SYNCHRONIZATION OF UNITED STATES CON-**
14 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
15 **TIONS.**

16 In accordance with section 404 of the Foreign Rela-
17 tions Authorization Act of 2003 (Public Law 107–228;
18 116 Stat. 1389), there are authorized to be appropriated
19 such sums as may be necessary for the synchronization
20 of United States contributions to international organiza-
21 tions.

22 **SEC. 303. PEACEKEEPING CONTRIBUTIONS.**

23 Section 404(b)(2)(B) of the Foreign Relations Au-
24 thorization Act, Fiscal Years 1994 and 1995 (Public Law

1 103–236; 22 U.S.C. 287e note) is amended by adding at
2 the end the following:

3 “(vi) For assessments made during
4 calendar year 2010 and thereafter, 27.5
5 percent.”.

6 **SEC. 304. BUYING POWER MAINTENANCE, INTERNATIONAL**
7 **ORGANIZATIONS.**

8 Title I of the State Department Basic Authorities Act
9 of 1956 (22 U.S.C. 2651a et seq.), as amended by section
10 328, is further amended by adding at the end the fol-
11 lowing:

12 **“SEC. 64. BUYING POWER MAINTENANCE, INTERNATIONAL**
13 **ORGANIZATIONS.**

14 “(a) ESTABLISHMENT OF ACCOUNT.—There is estab-
15 lished in the Treasury of the United States the ‘Buying
16 Power Maintenance, International Organizations account’
17 (referred to in this section as the ‘account’) to offset flue-
18 tuations in foreign currency exchange rates that adversely
19 affect United States contributions to international organi-
20 zations.

21 “(b) AUTHORITY TO TRANSFER AMOUNTS TO AC-
22 COUNT.—The Secretary of State may transfer to, and
23 merge with, the account such amounts appropriated or
24 otherwise made available for the Contributions to Inter-
25 national Organizations account as the Secretary deter-

1 mines are beyond the needs of activities funded from that
2 account because of fluctuations in foreign currency ex-
3 change rates.

4 “(c) AUTHORITY TO TRANSFER AMOUNTS FROM AC-
5 COUNT.—In order to offset adverse fluctuations in foreign
6 currency exchange rates, the Secretary of State may
7 transfer to, and merge with, the Contributions to Inter-
8 national Organizations account such amounts from the ac-
9 count as the Secretary determines are necessary to provide
10 for the activities funded under that account.

11 “(d) TRANSFER OF UNOBLIGATED AMOUNTS.—

12 “(1) IN GENERAL.—Subject to the limitations
13 under this subsection, not later than the last day of
14 the fifth fiscal year after the fiscal year for which
15 amounts are appropriated or otherwise made avail-
16 able for the Contributions to International Organiza-
17 tions account, the Secretary of State may transfer
18 any unobligated balance of such amounts to the ac-
19 count.

20 “(2) LIMITATION.—The balance of the account
21 may not exceed \$100,000,000 as a result of any
22 amounts transferred under this subsection.

23 “(3) REPROGRAMMING.—Any transfer under
24 this subsection—

1 “(A) shall be treated as a reprogramming
2 of funds under section 34; and

3 “(B) shall only be available for obligation
4 or expenditure in accordance with the proce-
5 dures established under such section.

6 “(4) SCOPE.—The authority under this section
7 may only be exercised with respect to amounts ap-
8 propriated or otherwise made available after Sep-
9 tember 30, 2009.

10 “(e) AVAILABILITY OF AMOUNTS.—Amounts trans-
11 ferred to the account under this section shall remain avail-
12 able until expended.

13 “(f) OTHER AUTHORITIES NOT AFFECTED.—The
14 authority to transfer amounts under this section is in ad-
15 dition to transfer authority otherwise available to the Sec-
16 retary of State under any other provision of law.”.

17 **SEC. 305. UNITED STATES PARTICIPATION IN THE INTER-**
18 **PARLIAMENTARY UNION.**

19 (a) IN GENERAL.—Notwithstanding section 2503 of
20 the Foreign Affairs Reform and Restructuring Act of
21 1998 (division G of Public Law 105–277; 22 U.S.C. 276
22 note), the Secretary of State is authorized—

23 (1) to facilitate the readmission and participa-
24 tion of the United States in the Inter-Parliamentary
25 Union; and

1 (2) to pay expenses to meet the annual obliga-
2 tions of membership in the Inter-Parliamentary
3 Union, in accordance with the assessments deter-
4 mined by the Governing Council.

5 (b) REPRESENTATION.—Notwithstanding section
6 2503 of the Foreign Affairs Reform and Restructuring
7 Act of 1998 (division G of Public Law 105–277; 22 U.S.C.
8 276 note), the majority leader of the Senate, in consulta-
9 tion with the minority leader of the Senate, and the Speak-
10 er of the House of Representatives, in consultation with
11 the minority leader of the House of Representatives, are
12 authorized to designate Members of Congress to serve as
13 delegates to the Assembly of the Inter-Parliamentary
14 Union.

15 **SEC. 306. PROVISION OF LIVING QUARTERS AND ALLOW-**
16 **ANCES TO THE UNITED STATES REPRESENT-**
17 **ATIVES TO THE UNITED NATIONS.**

18 Section 9(2) of the United Nations Participation Act
19 of 1945 (22 U.S.C. 287e–1(2)) is amended by striking
20 “30” and inserting “35”.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. LIMITATION ON ASSISTANCE TO GOVERNMENTS**
4 **OF COUNTRIES IN DEFAULT.**

5 (a) FOREIGN ASSISTANCE ACT OF 1961.—Section
6 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2370(q)) is amended—

8 (1) by striking “any country” and inserting
9 “the government of any country”;

10 (2) by striking “such country” each place it ap-
11 pears and inserting “such government”; and

12 (3) by striking “six calendar months” and in-
13 serting “1 year”.

14 (b) ARMS EXPORT CONTROL ACT.—Chapter 4 of the
15 Arms Export Control Act (22 U.S.C. 2791 et seq.), is
16 amended—

17 (1) by redesignating section 47 as section 48;
18 and

19 (2) by inserting after section 46 the following:

20 **“SEC. 47. LIMITATION ON ASSISTANCE TO GOVERNMENTS**
21 **OF COUNTRIES IN DEFAULT.**

22 “No assistance may be furnished under section 23
23 of this Act to the government of any country which is in
24 default, during a period exceeding 1 year, in payment to
25 the United States of principal or interest on any loan

1 made to the government of such country under this Act,
2 unless—

3 “(1) such government meets its obligations
4 under the loan; or

5 “(2) the President—

6 “(A) determines that assistance to such
7 country is in the national interest of the United
8 States; and

9 “(B) notifies the Speaker of the House of
10 Representatives and the Committee on Foreign
11 Relations of the Senate of such determina-
12 tion.”.

13 **SEC. 402. INCREASED AUTHORITY TO PROVIDE ASSIST-**
14 **ANCE FOR LAW ENFORCEMENT FORCES.**

15 (a) **POLICE TRAINING.**—Section 660 of the Foreign
16 Assistance Act of 1961 (22 U.S.C. 2420) is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (4), by striking “or” at
19 the end;

20 (B) in paragraph (6), by striking “, and
21 the provision of professional” and all that fol-
22 lows through the semicolon at the end and in-
23 serting “, including any regional, district, mu-
24 nicipal, or other subnational entity emerging
25 from instability;”;

1 (C) in paragraph (7), by striking the pe-
2 riod at the end and inserting a semicolon; and

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

4 “(8) with respect to the provision of profes-
5 sional training, including training in internationally
6 recognized standards of human rights and the rule
7 of law;

8 “(9) with respect to assistance to foster civilian
9 police roles that support democratic governance and
10 foster improved police-community relations;

11 “(10) with respect to assistance to combat traf-
12 ficking in persons, address sexual and gender-based
13 violence, reduce corruption, prevent conflict, and re-
14 spond to disasters;

15 “(11) with respect to assistance to address in-
16 humane conditions in prisons and other detention fa-
17 cilities administered by foreign governments that are
18 making efforts to address the health, sanitation, nu-
19 trition, and other basic needs of prisoners;

20 “(12) with respect to assistance provided for
21 prisoners for humanitarian or development purposes;

22 or

23 “(13) with respect to assistance to support hu-
24 manitarian operations and activities.”; and

1 (2) by amending subsection (d) to read as fol-
2 lows:

3 “(d) Assistance under chapter 4 of part II that is
4 otherwise prohibited under subsection (a) may be provided
5 to a country if the Secretary determines and certifies to
6 the Committee on Foreign Relations of the Senate and
7 the Committee on Foreign Affairs of the House of Rep-
8 resentatives that such assistance is in the national interest
9 of the United States.”.

10 (b) ADMINISTRATION OF JUSTICE.—Section 534 of
11 the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is
12 amended—

13 (1) in subsection (a), by striking “in countries
14 in Latin America and the Caribbean”;

15 (2) in subsection (b)(3)—

16 (A) in subparagraph (C), by striking
17 “and” at the end;

18 (B) in subparagraph (D), by inserting
19 “and” after the semicolon; and

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

21 “(E) programs to enhance the protection
22 of participants in judicial cases;”;

23 (3) by striking subsection (c);

24 (4) in subsection (e), by striking the second and
25 third sentences; and

1 (5) by redesignating subsections (d) and (e) as
2 subsections (c) and (d), respectively.

3 **SEC. 403. BUILDING PUBLIC AWARENESS AND DIALOGUE.**

4 Section 122 of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2151t) is amended by inserting at the end the
6 following:

7 “(f)(1) The Administrator of the United States Agen-
8 cy for International Development is authorized—

9 “(A) to encourage the people of the United
10 States to further dialogue and understanding of de-
11 velopment, humanitarian assistance, and foreign as-
12 sistance programs; and

13 “(B) to facilitate widespread public discussion,
14 analysis, and review of the issues addressed in the
15 final report of the Helping to Enhance the Liveli-
16 hood of People Around the Globe Commission
17 (HELP Commission), issued in December 2007,
18 with special regard to the HELP Commission’s call
19 to encourage Executive agencies to more fully ex-
20 plain United States development activities to the
21 American people in order to raise the American peo-
22 ple’s understanding about and support for foreign
23 assistance.

24 “(2) Not to exceed \$1,000,000 of the amounts made
25 available each fiscal year for the purposes of this chapter

1 may be used to ensure effective engagement with the
2 American people in understanding and promoting public
3 understanding of development, humanitarian assistance,
4 and foreign assistance programs, in addition to funds oth-
5 erwise available for such purposes.”.

6 **SEC. 404. EXCEPTION TO CERTAIN MULTIPLE AWARD CON-**
7 **TRACT REQUIREMENTS.**

8 Chapter 1 of part III of the Foreign Assistance Act
9 of 1961, as amended by section 705, is further amended
10 by adding at the end the following new section:

11 **“SEC. 620P. USAID EXCEPTION TO CERTAIN MULTIPLE**
12 **AWARD CONTRACT REQUIREMENTS.**

13 “In entering into any multiple award task order or
14 indefinite delivery or indefinite quality contract, the Ad-
15 ministrator of the United States Agency for International
16 Development may provide an exception to the fair oppor-
17 tunity process for placing task orders under such contracts
18 when the order is placed with any category of small or
19 small disadvantaged business.”.

20 **SEC. 405. MILLENNIUM CHALLENGE ASSISTANCE.**

21 (a) **EXTENSION OF COMPACTS.**—Section 609(j) of
22 the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j))
23 is amended to read as follows:

24 “(j) **EXTENSION OF COMPACT.**—

1 “(1) IN GENERAL.—Except as provided under
2 paragraph (2), the duration of a Compact shall not
3 exceed 5 years.

4 “(2) EXCEPTION.—The duration of a Compact
5 may be extended beyond 5 years if the Board—

6 “(A) determines that a project included in
7 the Compact cannot be completed in 5 years or
8 less; and

9 “(B) approves an extension of the Compact
10 that does not extend the total duration of the
11 Compact beyond 7 years.

12 “(3) CONGRESSIONAL NOTIFICATION.—Not
13 later than 15 days before the date on which the
14 Board approves the extension of a Compact beyond
15 5 years pursuant to paragraph (2), the Board, act-
16 ing through the Chief Executive Officer, shall—

17 “(A) notify the Committee on Foreign Re-
18 lations of the Senate and the Committee on
19 Foreign Affairs of the House of Representatives
20 of its intent to approve such extension; and

21 “(B) provide the committees referred to in
22 subparagraph (A) with a detailed explanation
23 for the determination and approval described in
24 paragraph (2).”.

1 (b) CONCURRENT AND SUBSEQUENT COMPACTS.—
2 Section 609(k) such Act (22 U.S.C. 7708(k)) is amended
3 to read as follows:

4 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 and in accordance with the requirements of this
7 title, an eligible country and the United States—

8 “(A) may enter into and have in effect
9 more than 1 Compact, but not more than 3
10 Compacts, at any given time; and

11 “(B) may enter into subsequent Compacts
12 after the expiration of existing Compacts.

13 “(2) REQUIREMENTS.—

14 “(A) CONCURRENT COMPACTS.—An eligi-
15 ble country and the United States may not
16 enter into a concurrent Compact unless the
17 Board determines that such country is making
18 considerable and demonstrable progress in im-
19 plementing the terms of its existing Compact
20 and supplementary agreements to such Com-
21 pact.

22 “(B) SUBSEQUENT COMPACTS.—An eligi-
23 ble country and the United States may not
24 enter into a subsequent Compact unless the
25 Board determines that—

1 “(i) such country has substantially
2 met the objectives of prior Compacts be-
3 tween the country and the United States
4 and supplementary agreements to such
5 Compacts; or

6 “(ii) the country has demonstrated
7 sufficient capacity to perform successfully
8 on the subsequent Compact.”.

9 (c) APPLICABILITY.—The amendments made by sub-
10 sections (a) and (b) shall apply with respect to Compacts
11 entered into between the United States and an eligible
12 country under the Millennium Challenge Act of 2003 (22
13 U.S.C. 7701 et seq.) before, on, or after the date of the
14 enactment of this Act.

15 (d) MAINTAINING CANDIDATE STATUS FOR PUR-
16 POSES OF INCOME CATEGORY.—Section 606 of the Mil-
17 lennium Challenge Act of 2003 (22 U.S.C. 7705) is
18 amended by adding at the end the following:

19 “(d) MAINTAINING CANDIDATE STATUS.—A can-
20 didate country transitioning out of 1 of the income cat-
21 egories identified in subsections (a) and (b) shall be al-
22 lowed to retain its candidacy at the lower income category
23 for the year of its transition and for 1 subsequent fiscal
24 year.”.

1 **SEC. 406. ENHANCING THE CAPACITY OF THE OFFICE OF**
2 **THE INSPECTOR GENERAL FOR THE UNITED**
3 **STATES AGENCY FOR INTERNATIONAL DE-**
4 **VELOPMENT.**

5 (a) REEMPLOYMENT OF ANNUITANTS.—To facilitate
6 the assignment of persons to positions in Iraq, Pakistan,
7 and Afghanistan, or to positions vacated by members of
8 the Foreign Service assigned to Iraq, Pakistan, and Af-
9 ghanistan, the Inspector General of the United States
10 Agency for International Development may waive the ap-
11 plication of the provisions of section 8344 or 8468 of title
12 5, United States Code, on a case-by-case basis, for employ-
13 ment of an annuitant in a position in the Office of Inspec-
14 tor General for which there is—

15 (1) difficulty in recruiting or retaining a quali-
16 fied employee; or

17 (2) a temporary emergency hiring need.

18 (b) SUNSET.—

19 (1) IN GENERAL.—Subsection (a) is repealed on
20 October 1, 2011.

21 (2) EFFECT OF REPEAL.—An annuitant reem-
22 ployed pursuant to the waiver under subsection (a)
23 before October 1, 2011 may continue such employ-
24 ment until not later than September 30, 2012.

25 (c) NOT CONSIDERED EMPLOYEES.—An employee
26 reemployed pursuant to the waiver under subsection (a)

1 shall not be considered an employee for purposes of sub-
2 chapter III of chapter 83 of title 5, United States Code,
3 or chapter 84 of such title.

4 **SEC. 407. PROHIBITIONS ON FOREIGN ASSISTANCE FOR**
5 **THE PRODUCTION OF CERTAIN AGRICUL-**
6 **TURAL COMMODITIES.**

7 Section 620 of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2370) is amended by inserting after subsection
9 (l) the following new subsection:

10 “(m) PROHIBITIONS ON ASSISTANCE FOR THE PRO-
11 Duction OF AGRICULTURAL COMMODITIES AVAILABLE
12 IN SURPLUS QUANTITIES.—(1) No assistance shall be fur-
13 nished under chapter 1 of part I of this Act to a country
14 to build or expand the capacity of producers in the country
15 to produce an agricultural commodity if the President de-
16 termines that—

17 “(A) the agricultural commodity is likely to be
18 available in surplus quantities on the world market
19 when the building or expansion of such capacity is
20 complete; and

21 “(B) the production or expanded production of
22 the agricultural commodity by producers in that
23 country would cause substantial injury to producers
24 in the United States that produce that agricultural

1 commodity or a similar or competing agricultural
2 commodity.

3 “(2) Paragraph (1) shall not apply with respect to
4 assistance to a country that—

5 “(A)(i) is eligible for assistance from the Inter-
6 national Development Association;

7 “(ii) is not eligible for assistance from the
8 International Bank for Reconstruction and Develop-
9 ment; and

10 “(iii) does not export on a consistent basis the
11 agricultural commodity with respect to which assist-
12 ance is furnished; or

13 “(B) the President determines is recovering
14 from widespread conflict, a humanitarian crisis, or a
15 complex emergency.

16 “(n) RESTRICTION ON ASSISTANCE FOR THE PRO-
17 Duction AND EXPORTATION OF CERTAIN AGRICULTURAL
18 COMMODITIES.—(1) No assistance shall be furnished
19 under chapter 1 of part I of this Act to a country to carry
20 out any testing, breeding feasibility studies, variety im-
21 provement efforts, introduction efforts, consulting, publi-
22 cations, conferences, or training with respect to the pro-
23 duction of an agricultural commodity in that country if
24 the President determines that—

1 “(A) the agricultural commodity is or will be
2 produced to be exported from that country; and

3 “(B) the exportation of the agricultural com-
4 modity from that country will result in increased
5 competition for that agricultural commodity, or a
6 similar or competing agricultural commodity, pro-
7 duced in the United States.

8 “(2) Paragraph (1) shall not apply with respect to
9 assistance furnished—

10 “(A) to a developing country to carry out an ac-
11 tivity involving the production of an agricultural
12 commodity that is designed to increase food security
13 in that country if the President determines that the
14 activity will not have a significant impact on the ex-
15 portation of that agricultural commodity from the
16 United States; or

17 “(B) to a country that—

18 “(i)(I) is eligible for assistance from the
19 International Development Association;

20 “(II) is not eligible for assistance from the
21 International Bank for Reconstruction and De-
22 velopment; and

23 “(III) does not export on a consistent basis
24 the agricultural commodity with respect to
25 which assistance is furnished; or

1 “(ii) the President determines is recovering
2 from widespread conflict, a humanitarian crisis,
3 or a complex emergency.”.

4 **TITLE V—AUTHORIZATION OF**
5 **APPROPRIATIONS**

6 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated for each of
8 the fiscal years 2010 and 2011 such sums as may be nec-
9 essary to carry out this Act.

○