

PUBLIC LAW 109-140 • DECEMBER 22, 2005

**TO PROVIDE CERTAIN AUTHORITIES TO THE
DEPARTMENT OF STATE**

Prime Sponsor: Mr. Christopher H. Smith (NJ)
H.R. 4436 - Signed by the President on December 22, 2005

Public Law 109-140
109th Congress

An Act

Dec. 22, 2005
[H.R. 4436]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDI CENTER.

(a) **AUTHORIZATION.**—The Secretary of State is authorized to provide for the participation by the United States in the Regional Emerging Diseases Intervention Center (in this section referred to as “REDI Center”) in Singapore, as established by the Agreement described in subsection (c).

(b) **CONSULTATION AND REPORT.**—

(1) **CONSULTATION.**—Prior to the review required under Article 6.3 of the Agreement described in subsection (c), the Secretary shall consult with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **REPORT.**—In connection with the submission of the annual congressional budget justification, the Secretary shall report on efforts undertaken at the REDI Center with regard to bioterrorism concerns.

(c) **AGREEMENT DESCRIBED.**—The Agreement referred to in this section is the Agreement between the Governments of the United States of America and the Republic of Singapore Establishing the Regional Emerging Diseases Intervention Center, done at Singapore, November 22, 2005.

SEC. 2. RETENTION OF MEDICAL REIMBURSEMENTS.

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended by adding at the end the following new subsection:

“(g) Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Such reimbursements shall be available for obligation and expenditure during the fiscal year in which they are received or for such longer period of time as may be provided in law.”.

SEC. 3. ACCOUNTABILITY REVIEW BOARDS.

Section 301(a) of the Diplomatic Security Act (22 U.S.C. 4831(a)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:
“(3) **FACILITIES IN AFGHANISTAN AND IRAQ.**—

“(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CONVENE BOARD.—The Secretary of State is not required to convene a Board in the case of an incident that—

“(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in Afghanistan or Iraq; and

“(ii) occurs during the period beginning on October 1, 2005, and ending on September 30, 2009.

“(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

“(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

Notification.

“(ii) conduct an inquiry of the incident; and

“(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.”.

SEC. 4. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE FOR PREVIOUS INCREASE.—Subsection (c) of section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (division D of Public Law 108-199) is repealed.

5 USC 5925 note.

(b) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended in the third sentence by striking “25 percent of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,”.

(c) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking “25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development” both places that it appears and inserting “35 percent of the basic pay of the employee”.

(d) CRITERIA.—The Secretary of State shall inform the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925(a) of title 5, United States Code, as amended by subsection (b), and danger pay allowances under section 5928 of title 5, United States Code, as amended by subsection (c).

5 USC 5925 note.

(e) STUDY AND REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (b) and (c), respectively, in filling “hard-to-fill” positions and shall submit a report of such study to the committees specified in subsection (d) and to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 5. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting “the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),” after “considering”; and

(2) by striking “the grievant or” and inserting “the grievant, or”.

SEC. 6. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

22 USC 6206
note.

SEC. 7. OFFICIAL RESIDENCE EXPENSES.

Section 5913 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.”.

SEC. 8. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS EDUCATION BENEFITS.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended by inserting after paragraph (18) the following new paragraph:

“(19)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

“(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if

the Board determines that such schools are not accessible by public means of transportation.”.

Approved December 22, 2005.

LEGISLATIVE HISTORY—H.R. 4436:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 14, considered and passed House.

Dec. 15, considered and passed Senate.

