

PUBLIC LAW 109-472—JAN. 11, 2007

DEPARTMENT OF STATE AUTHORITIES
ACT OF 2006

Public Law 109–472
109th Congress

An Act

Jan. 11, 2007
[H.R. 6060]

Department of
State Authorities
Act of 2006.

22 USC 2151
note.

To authorize certain activities by 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. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

SEC. 2. FRAUD PREVENTION AND DETECTION ACCOUNT.

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

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

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

“(ii) otherwise to prevent and detect visa fraud, including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), in cooperation with the Secretary of Homeland Security or pursuant to the terms of a memorandum of understanding or other agreement between the Secretary of State and the Secretary of Homeland Security; and”.

SEC. 3. EDUCATION ALLOWANCES.

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

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

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

“(B) The travel expenses of dependents of an employee to and from a secondary or post-secondary educational institution, not to exceed one annual trip each way for

each dependent, except that an allowance payment under subparagraph (A) may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.”; and

(3) by adding at the end the following:

“(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee’s dependent at or in the vicinity of the dependent’s school during one trip per year by the dependent between the school and the employee’s duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage in connection with the trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.”.

SEC. 4. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

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

“§ 118. Interference with certain protective functions

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

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

“118. Interference with certain protective functions.”.

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

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

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

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

SEC. 6. AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES.

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

8 USC 1714 note.

Effective date.

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

(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

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

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

President.

SEC. 7. EXTENSION OF PRIVILEGES AND IMMUNITIES.

(a) **THE AFRICAN UNION.**—Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended—

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

(2) by adding at the end the following:

“(b) Under such terms and conditions as the President shall determine, consistent with the purposes of this title, the President is authorized to extend, or enter into an agreement to extend, to the African Union Mission to the United States of America, and to its members, the privileges and immunities enjoyed by diplomatic missions accredited to the United States, and by members of such missions, subject to corresponding conditions and obligations.”.

22 USC 228f.

(b) **THE HOLY SEE.**—Under such terms and conditions as the President shall determine, the President is authorized to extend, or to enter into an agreement to extend, to the Permanent Observer Mission of the Holy See to the United Nations in New York, and to its members, the privileges and immunities enjoyed by the diplomatic missions of member states to the United Nations, and their members, subject to corresponding conditions and obligations.

SEC. 8. REMOVAL OF CONTRACTING PROHIBITION.

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

SEC. 9. PERSONAL SERVICES CONTRACTING.

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

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

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

SEC. 10. PROLIFERATION INTERDICTION SUPPORT.

(a) ASSISTANCE.—Consistent with section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-2), as amended by subsection (c), the President is authorized to provide assistance to friendly foreign countries for proliferation detection and interdiction activities and for developing complementary capabilities. 22 USC 2349bb-5.

(b) REPORT ON EXISTING PROLIFERATION DETECTION AND INTERDICTION ASSISTANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on proliferation and interdiction assistance. President.

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

(A) specify in detail, including program cost, on a country-by-country basis, the assistance being provided by the Department of State to train and equip personnel in friendly foreign countries in the detection and interdiction of proliferation-related shipments of weapons of mass destruction, related materials and means of delivery, and dual-use items of proliferation concern; and

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

(c) INTERDICTION ASSISTANCE AMENDMENTS.—Section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-2) is amended—

(1) in subsection (a)—

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

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

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

(2) by adding at the end the following new subsections:

“(c) COOPERATIVE AGREEMENTS.—In order to promote cooperation regarding the interdiction of weapons of mass destruction and related materials and delivery systems, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate effective measures to prevent the transportation of such items to non-state actors and states of proliferation concern.

“(d) DETERMINATION AND NOTICE TO CONGRESS.—The Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in writing not more than 30 days after making a determination that any friendly country has been determined to be a country eligible for priority consideration of any assistance under subsection (a). Such determination shall set forth the reasons for such determination, and may be submitted in classified and unclassified form, as necessary.”. Deadline.

SEC. 11. SAFEGUARDING AND ELIMINATION OF CONVENTIONAL ARMS.

(a) IN GENERAL.—The Secretary of State is authorized to secure, remove, or eliminate stocks of man-portable air defense systems 22 USC 2349bb-6.

(MANPADS), small arms and light weapons, stockpiled munitions, abandoned ordnance, and other conventional weapons, including tactical missile systems (hereafter in this section referred to as “MANPADS and other conventional weapons”), as well as related equipment and facilities, located outside the United States that are determined by the Secretary to pose a proliferation threat.

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

- (1) Humanitarian demining activities.
- (2) The elimination or securing of MANPADS.
- (3) The elimination or securing of other conventional weapons.
- (4) Assistance to countries in the safe handling and proper storage of MANPADS and other conventional weapons.
- (5) Cooperative programs with the North Atlantic Treaty Organization and other international organizations to assist countries in the safe handling and proper storage or elimination of MANPADS and other conventional weapons.
- (6) The utilization of funds for the elimination or safeguarding of MANPADS and other conventional weapons.
- (7) Activities to secure and safeguard MANPADS and other conventional weapons.
- (8) Actions to ensure that equipment and funds, including security upgrades at locations for the storage or disposition of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, continue to be used for authorized purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities of the Secretary of Defense.

22 USC 2751
note.

SEC. 12. IMPOSITION OF SANCTIONS TO DETER THE TRANSFER OF MANPADS.

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

(b) DETERMINATION RELATING TO SANCTIONS.—

President.

(1) IN GENERAL.—If the President determines that a foreign government knowingly transfers MANPADS to a foreign government described in paragraph (2) or a terrorist organization, the President shall—

Reports.

(A) submit forthwith to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing such determination; and

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

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

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

(1) Termination of United States Government assistance to the transferring foreign government under the Foreign Assistance Act of 1961, except that such termination shall not apply in the case of humanitarian assistance.

(2) Termination of United States Government—

(A) sales to the transferring foreign government of any defense articles, defense services, or design and construction services; and

(B) licenses for the export to the transferring foreign government of any item on the United States Munitions List.

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

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

President.
Certification.

(e) **DEFINITIONS.**—In this section:

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

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

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

(4) **FOREIGN GOVERNMENT.**—The term “foreign government” includes any agency or instrumentality of a foreign government.

(5) **MANPADS.**—The term “MANPADS” means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; or

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

SEC. 13. ADDITIONAL AUTHORITIES.

(a) **WAR RESERVES STOCKPILE.**—

(1) **DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.**—Section 12001 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended—

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

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

(2) **FOREIGN ASSISTANCE ACT OF 1961.**—Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(A) in subparagraph (A)—

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

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

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

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

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

117 Stat. 576.

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

(2) in the second proviso, by striking “September 30, 2007” and inserting “September 30, 2011”

Approved January 11, 2007.

LEGISLATIVE HISTORY—H.R. 6060:

HOUSE REPORTS: No. 109-706 (Comm. on International Relations).
CONGRESSIONAL RECORD, Vol. 152 (2006):

Dec. 8, considered and passed House and Senate.

