

117TH CONGRESS
1ST SESSION

S. 1550

To support Foreign Service families, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2021

Mr. VAN HOLLEN (for himself, Mr. SULLIVAN, Mr. COONS, and Mr. YOUNG)
introduced the following bill; which was read twice and referred to the
Committee on Foreign Relations

A BILL

To support Foreign Service families, 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 Service Fami-
5 lies Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DEPARTMENT.—The term “Department”
9 means the Department of State.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of State.

1 **SEC. 3. TELECOMMUTING OPPORTUNITIES.**

2 (a) DETO POLICY.—

3 (1) IN GENERAL.—Each Federal department
4 and agency shall establish a policy enumerating the
5 circumstances under which employees may be per-
6 mitted to temporarily perform work requirements
7 and duties from approved overseas locations pursu-
8 ant to an approved Domestically Employed Tele-
9 working Overseas (DETO) agreement.

10 (2) PARTICIPATION.—The policy described
11 under paragraph (1) shall—

12 (A) ensure that telework does not diminish
13 employee performance or agency operations;

14 (B) require a written agreement that—

15 (i) is entered into between an agency
16 manager and an employee authorized to
17 telework, that outlines the specific work ar-
18 rangement that is agreed to; and

19 (ii) is mandatory in order for any em-
20 ployee to participate in telework;

21 (C) provide that an employee may not be
22 authorized to telework if the performance of
23 that employee does not comply with the terms
24 of the written agreement between the agency
25 manager and that employee;

1 (D) except in emergency situations as de-
2 termined by the head of an agency, not apply
3 to any employee of the agency whose official du-
4 ties require on a daily basis (every work day)—

5 (i) direct handling of secure materials
6 determined to be inappropriate for tele-
7 work by the agency head; or

8 (ii) on-site activity that cannot be
9 handled remotely or at an alternate work-
10 site;

11 (E) be incorporated as part of the con-
12 tinuity of operations plans of the agency in the
13 event of an emergency; and

14 (F) enumerate the circumstances under
15 which employees may be permitted to tempo-
16 rarily perform work requirements and duties
17 from approved overseas locations.

18 (b) ACCESS TO ICASS SYSTEM.—Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of State shall revise chapter 900 of volume 6 of
21 the Foreign Affairs Manual, the International Cooperative
22 Administrative Support Services Handbook, the Personnel
23 Operations Handbook, and any other relevant regulations
24 to allow each Federal agency that has enacted a policy
25 under subsection (a) to have access to the International

1 Cooperative Administrative Support Services (ICASS) sys-
 2 tem.

3 **SEC. 4. EMPLOYMENT AND EDUCATION PROGRAMS FOR EL-**
 4 **IGIBLE FAMILY MEMBERS OF MEMBERS OF**
 5 **THE FOREIGN SERVICE.**

6 Section 706(b) of the Foreign Service Act of 1980
 7 (22 U.S.C. 4026(b)) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “The Secretary may” and
 10 inserting “The Secretary shall”; and

11 (B) by amending subparagraph (C) to read
 12 as follows:

13 “(C) establishing a program for assisting
 14 eligible family members in accessing employ-
 15 ment and education opportunities, which shall
 16 be modeled after the programs authorized
 17 under sections 1784 and 1784a of title 10,
 18 United States Code, and based on regulations
 19 modeled after those prescribed pursuant to sub-
 20 section (b) of such section 1784.”;

21 (2) by redesignating paragraph (2) as para-
 22 graph (9);

23 (3) by inserting after paragraph (1) the fol-
 24 lowing new paragraphs:

1 “(2) The Secretary shall prescribe regula-
2 tions—

3 “(A) to implement such measures as the
4 President orders pursuant to paragraph (1)(C);

5 “(B) to provide preference to eligible fam-
6 ily members in hiring for any civilian position
7 in the Department of State if—

8 “(i) the eligible family member is
9 among persons determined to be best
10 qualified for the position; and

11 “(ii) the position is located in the
12 country of assignment of their sponsoring
13 employee;

14 “(C) to ensure that notice of any vacant
15 position in the Department is provided in a
16 manner reasonably designed to reach eligible
17 family members of sponsoring employees whose
18 permanent duty stations are in the same coun-
19 try as that in which the position is located; and

20 “(D) to ensure that an eligible family
21 member who applies for a vacant position in the
22 Department shall, to the extent practicable, be
23 considered for any such position located in the
24 same country as the permanent duty station of
25 their sponsoring employee.

1 “(3) Nothing in this section may be construed
2 to provide an eligible family member with preference
3 in hiring over an individual who is preference eligi-
4 ble.

5 “(4) Under regulations prescribed by the Sec-
6 retary, a chief of mission may, consistent with all
7 applicable laws and regulations pertaining to the
8 ICASS system, make available to a non-Department
9 entity space in an embassy or consulate for the pur-
10 pose of the non-Department entity providing employ-
11 ment-related training for eligible family members.

12 “(5) The Secretary may work with the Director
13 of the Office of Personnel Management and the
14 heads of other Federal departments and agencies to
15 expand and facilitate the use of existing Federal pro-
16 grams and resources in support of eligible family
17 member employment.

18 “(6) The Secretary may—

19 “(A) develop partnerships with firms in the
20 private sector to enhance employment opportu-
21 nities for eligible family members and to pro-
22 vide for improved job portability for such
23 spouses, especially in the case of an eligible
24 family member accompanying a sponsoring em-
25 ployee to a new geographical area because of a

1 change of permanent duty station of the spon-
2 soring employee; and

3 “(B) work with the United States Cham-
4 ber of Commerce and other appropriate private-
5 sector entities to facilitate the formation of
6 such partnerships.

7 “(7) The Secretary may prescribe regulations to
8 incorporate hiring preferences for eligible family
9 members of sponsoring employees into contracts be-
10 tween the Department and private sector entities.

11 “(8)(A) The Secretary of State shall seek to
12 enter into a cooperative agreement with the Council
13 of State Governments to assist with funding of the
14 development of interstate compacts on licensed occu-
15 pations in order to alleviate the burden associated
16 with relicensing in such an occupation by an eligible
17 family member in connection with a permanent
18 change of duty station of their sponsoring employee.

19 “(B) The total amount of assistance provided
20 under subparagraph (A) for all interstate compacts
21 in any fiscal year may not exceed \$4,000,000.

22 “(C) The amount provided under subparagraph
23 (A) as assistance for the development of any par-
24 ticular interstate compact may not exceed
25 \$1,000,000.

1 “(D) Not later than February 28 each year, the
2 Secretary shall submit to the Committee on Foreign
3 Relations of the Senate and the Committee on For-
4 eign Affairs of the House of Representatives a re-
5 port on interstate compacts described in subpara-
6 graph (A) developed through assistance provided
7 under that subparagraph. Each report shall set forth
8 the following:

9 “(i) Any interstate compact developed dur-
10 ing the preceding calendar year, including the
11 occupational licenses covered by such compact
12 and the States agreeing to enter into such com-
13 pact.

14 “(ii) Any interstate compact developed
15 during a prior calendar year into which one or
16 more additional States agreed to enter during
17 the preceding calendar year.

18 “(E) The authority to enter into a cooperative
19 agreement under subparagraph (A), and to provide
20 assistance described in that subparagraph pursuant
21 to such cooperative agreement, expire on September
22 30, 2024.”; and

23 (4) by adding after paragraph (9), as redesign-
24 nated by paragraph (2) of this subsection, the fol-
25 lowing new paragraph:

1 “(10) In this subsection, the term ‘eligible family
2 member’ has the meaning given the term in section 7121
3 of volume 3 of the Foreign Affairs Manual (3 FAM
4 7121).”.

5 **SEC. 5. REPORTING ON FOREIGN SERVICE FAMILY RE-**
6 **SERVE CORPS.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of the enactment of this Act, the Secretary shall brief
9 the appropriate congressional committees on the status of
10 implementation of the Foreign Service Family Reserve
11 Corps.

12 (b) ELEMENTS.—The briefing required under sub-
13 section (a) shall include the following elements:

14 (1) A description of the status of implementa-
15 tion of the Foreign Service Family Reserve Corps
16 (FSFRC).

17 (2) An assessment of the extent to which imple-
18 mentation was impacted by the Department’s hiring
19 freeze and a detailed explanation of the effect of any
20 such impacts.

21 (3) A description of the status of implementa-
22 tion of a hiring preference for the FSFRC.

23 (4) A detailed accounting of any individuals eli-
24 gible for membership in the FSFRC who were un-
25 able to begin working at a new location as a result

1 of being unable to transfer their security clearance,
2 including an assessment of whether they would have
3 been able to port their clearance as a member of the
4 FSFRC if the program had been fully implemented.

5 (5) An estimate of the number of individuals
6 who are eligible to join the FSFRC worldwide and
7 the categories, as detailed in the Under Secretary
8 for Management's guidance dated May 3, 2016,
9 under which those individuals would enroll.

10 (6) An estimate of the number of individuals
11 who are enrolled in the FSFRC worldwide and the
12 categories, as detailed in the Under Secretary for
13 Management's guidance dated May 3, 2016, under
14 which those individuals enrolled.

15 (7) An estimate of the number of individuals
16 who were enrolled in each phase of the implementa-
17 tion of the FSFRC as detailed in guidance issued by
18 the Under Secretary for Management.

19 (8) An estimate of the number of individuals
20 enrolled in the FSFRC who have successfully trans-
21 ferred a security clearance to a new post since im-
22 plementation of the program began.

23 (9) An estimate of the number of individuals
24 enrolled in the FSFRC who have been unable to suc-

1 cessfully transfer a security clearance to a new post
2 since implementation of the program began.

3 (10) An estimate of the number of individuals
4 who have declined in writing to apply to the
5 FSFRC.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the Committee on Foreign Relations and
10 the Committee on Appropriations of the Senate; and

11 (2) the Committee on Foreign Affairs and the
12 Committee on Appropriations of the House of Rep-
13 resentatives.

14 **SEC. 6. TREATMENT OF FAMILY MEMBERS OF FOREIGN**
15 **SERVICE OFFICERS SEEKING POSITIONS CUS-**
16 **TOMARILY FILLED BY FOREIGN SERVICE OF-**
17 **FICERS OR FOREIGN NATIONAL EMPLOYEES.**

18 Section 311 of the Foreign Service Act of 1980 (22
19 U.S.C. 3951) is amended by adding at the end the fol-
20 lowing:

21 “(e) The Secretary shall hold a family member of a
22 government employee described in subsection (a) seeking
23 employment in a position described in that subsection to
24 the same employment standards as those applicable to
25 Foreign Service officers, Foreign Service personnel, or for-

1 eign national employees seeking the same or a substan-
 2 tially similar position.”.

3 **SEC. 7. IN-STATE TUITION RATES FOR MEMBERS OF QUALI-**
 4 **FYING FEDERAL SERVICE.**

5 (a) IN GENERAL.—Section 135 of the Higher Edu-
 6 cation Act of 1965 (20 U.S.C. 1015d) is amended—

7 (1) in the section heading, by striking “**THE**
 8 **ARMED FORCES ON ACTIVE DUTY, SPOUSES,**
 9 **AND DEPENDENT CHILDREN**” and inserting
 10 “**QUALIFYING FEDERAL SERVICE**”;

11 (2) in subsection (a), by striking “member of
 12 the armed forces who is on active duty for a period
 13 of more than 30 days and” and inserting “member
 14 of a qualifying Federal service”;

15 (3) in subsection (b), by striking “member of
 16 the armed forces” and inserting “member of a quali-
 17 fying Federal service”; and

18 (4) by striking subsection (d) and inserting the
 19 following:

20 “(d) DEFINITIONS.—In this section, the term ‘mem-
 21 ber of a qualifying Federal service’ means—

22 “(1) a member of the armed forces (as defined
 23 in section 101 of title 10, United States Code) who
 24 is on active duty for a period of more than 30 days

1 (as defined in section 101 of title 10, United States
2 Code); or

3 “(2) a member of the Foreign Service (as de-
4 fined in section 103 of the Foreign Service Act of
5 1980 (22 U.S.C. 3903)) who is on active duty for
6 a period of more than 30 days.”.

7 (b) EFFECTIVE DATE.—The amendments made
8 under subsection (a) shall take effect at each public insti-
9 tution of higher education in a State that receives assist-
10 ance under the Higher Education Act of 1965 (20 U.S.C.
11 1001 et seq.) for the first period of enrollment at such
12 institution that begins after July 1, 2021.

13 **SEC. 8. TERMINATION OF RESIDENTIAL OR MOTOR VEHI-**
14 **CLE LEASES AND TELEPHONE SERVICE CON-**
15 **TRACTS FOR CERTAIN MEMBERS OF THE**
16 **FOREIGN SERVICE.**

17 (a) IN GENERAL.—Chapter 9 of title I of the Foreign
18 Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended
19 by adding at the end the following new section:

20 **“SEC. 907. TERMINATION OF RESIDENTIAL OR MOTOR VE-**
21 **HICLE LEASES AND TELEPHONE SERVICE**
22 **CONTRACTS.**

23 “The terms governing the termination of residential
24 or motor vehicle leases and telephone service contracts de-
25 scribed in sections 305 and 305A, respectively of the

1 Servicemembers Civil Relief Act (50 U.S.C. 3955 and
2 3956) with respect to servicemembers who receive military
3 orders described in such Act shall apply in the same man-
4 ner and to the same extent to members of the Service who
5 are posted abroad at a Foreign Service post in accordance
6 with this Act.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 2 of the Foreign Service Act of 1980 is amended
9 by inserting after the item relating to section 906 the fol-
10 lowing new item:

“Sec. 907. Termination of residential or motor vehicle leases and telephone
service contracts.”.

