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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To expand employment opportunities for spouses of Foreign Service officers,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTRO of Texas (for himself and Mr. FITZPATRICK) introduced the fol-
lowing bill; which was referred to the Committee on

A BILL

To expand employment opportunities for spouses of Foreign
Service officers, 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”.

1 **SEC. 2. TELECOMMUTING OPPORTUNITIES.**

2 (a) AMENDMENT.—Subsection (b) of section 6502 of
3 title 5, United States Code (relating to the executive agen-
4 cies telework requirement), is amended—

5 (1) in paragraph (4)(B), by striking “and”
6 after the semicolon;

7 (2) in paragraph 5, by striking the period at
8 the end; and

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

11 “(6) enumerate the circumstances under which
12 employees may be permitted to temporarily perform
13 work requirements and duties from approved over-
14 seas locations.”.

15 (b) ACCESS TO ICASS SYSTEM.—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary of State shall revise chapter 900 of volume 6 of
18 the Foreign Affairs Manual, the International Cooperative
19 Administrative Support Services Handbook, the Personnel
20 Operations Handbook, and any other relevant regulations
21 to allow each Federal agency that has enacted a policy
22 under pursuant to paragraph (6) of section 6502(b) of
23 title 5, United States Code, as added by subsection (a),
24 to have access to the International Cooperative Adminis-
25 trative Support Services (ICASS) system.

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

4 Section 706(b) of the Foreign Service Act of 1980
5 (22 U.S.C. 4026(b)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “The Secretary may” and
8 inserting “The Secretary shall”; and

9 (B) by amending subparagraph (C) to read
10 as follows:

11 “(C) establishing a program for assisting
12 eligible family members (as such term is de-
13 fined in 3 FAM 7120) in accessing employment
14 and education opportunities, which shall be
15 modeled after the programs authorized under
16 sections 1784 and 1784a of title 10, United
17 States Code, and based on regulations modeled
18 after those prescribed pursuant to subsection
19 (b) of such section 1784; and”;

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

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

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

26 “(A) to carry out paragraph (1)(C);

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

4 “(i) the eligible family member is
5 among persons determined to be best
6 qualified for the position; and

7 “(ii) the position is located in the
8 country of assignment of the employee to
9 whom they are related;

10 “(C) to ensure that notice of any vacant
11 position in the Department is provided in a
12 manner reasonably designed to reach eligible
13 family members of such employees whose per-
14 manent duty stations are in the same country
15 as that in which the position is located; and

16 “(D) to ensure that an eligible family
17 member who applies for a vacant position in the
18 Department shall, to the extent practicable, be
19 considered for any such position located in the
20 same country as the permanent duty station of
21 the employee to whom he or she is related.

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

1 “(4) Under regulations prescribed by the Sec-
2 retary, a chief of mission may, consistent with all
3 applicable laws and regulations pertaining to the
4 ICASS system, make available to a non-Department
5 entity space in an embassy or consulate for the pur-
6 pose of such non-Department entity providing em-
7 ployment-related training for eligible family mem-
8 bers.

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

15 “(6) The Secretary may—

16 “(A) develop partnerships with entities in
17 the private sector to enhance employment op-
18 portunities for eligible family members and to
19 provide for improved job portability, especially
20 in the case of an eligible family member accom-
21 panying an employee to whom he or she is re-
22 lated to a new geographical area because of a
23 change of permanent duty station of such em-
24 ployee; and

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

5 “(7) The Secretary may prescribe regulations to
6 incorporate hiring preferences for eligible family
7 members of employees to whom they are related into
8 contracts between the Department and private sector
9 entities.

10 “(8)(A) The Secretary may enter into a cooper-
11 ative agreement with the Council of State Govern-
12 ments to assist with funding of the development of
13 interstate compacts on licensed occupations in order
14 to alleviate the burden associated with relicensing in
15 such an occupation by an eligible family member in
16 connection with a permanent change of duty station
17 of the employee to whom he or she is related.

18 “(B) The amount provided under subpara-
19 graph (A) as assistance for the development of
20 any particular interstate compact may not ex-
21 ceed \$1,000,000.

22 “(C) The total amount of assistance pro-
23 vided under subparagraph (A) in any fiscal year
24 may not exceed \$4,000,000.

1 “(D) Not later than February 28 each
2 year, the Secretary shall submit to the Com-
3 mittee on Foreign Relations of the Senate and
4 the Committee on Foreign Affairs of the House
5 of Representatives a report on interstate com-
6 pacts described in subparagraph (A) developed
7 through assistance provided under such sub-
8 paragraph. Each report shall set forth informa-
9 tion relating to the following:

10 “(i) An interstate compact developed
11 during the preceding calendar year, includ-
12 ing the occupational licenses covered by
13 such compact and the States agreeing to
14 enter into such compact.

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

19 “(E) The authority to enter into a cooper-
20 ative agreement under subparagraph (A), and
21 to provide assistance described in such subpara-
22 graph pursuant to such cooperative agreement,
23 expires on September 30, 2024.”.

1 **SEC. 4. REPORTING ON FOREIGN SERVICE FAMILY RE-**
2 **SERVE CORPS.**

3 (a) IN GENERAL.—Not later than 120 days after the
4 date of the enactment of this Act, the Secretary of State
5 shall brief the appropriate congressional committees on
6 the status of implementation of the Foreign Service Fam-
7 ily Reserve Corps.

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

10 (1) A description of the status of implementa-
11 tion of the Foreign Service Family Reserve Corps
12 (FSFRC).

13 (2) An assessment of the extent to which imple-
14 mentation was impacted by the Department of
15 State's hiring freeze and a detailed explanation of
16 the effect of any such impacts.

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

19 (4) A detailed accounting of any individuals eli-
20 gible for membership in the FSFRC who were un-
21 able to begin working at a new location as a result
22 of being unable to transfer their security clearance,
23 including an assessment of whether they would have
24 been able to port their clearance as a member of the
25 FSFRC if the program had been fully implemented.

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

6 (6) An estimate of the number of individuals
7 who are enrolled in the FFSFRC worldwide and the
8 categories, as detailed in such guidance under which
9 those individuals enrolled.

10 (7) An estimate of the number of individuals
11 who were enrolled in each phase of the implementa-
12 tion of the FFSFRC, as detailed in such guidance.

13 (8) An estimate of the number of individuals
14 enrolled in the FFSFRC who have successfully trans-
15 ferred a security clearance to a new post since im-
16 plementation of the program began.

17 (9) An estimate of the number of individuals
18 enrolled in the FFSFRC who have been unable to suc-
19 cessfully transfer a security clearance to a new post
20 since implementation of the program began.

21 (10) An estimate of the number of individuals
22 who have declined in writing to apply to the
23 FFSFRC.

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

4 (1) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate; and

6 (2) the Committee on Foreign Affairs and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 **SEC. 5. TREATMENT OF FAMILY MEMBERS OF FOREIGN**
10 **SERVICE OFFICERS SEEKING POSITIONS CUS-**
11 **TOMARILY FILLED BY FOREIGN SERVICE OF-**
12 **FICERS OR FOREIGN NATIONAL EMPLOYEES.**

13 Section 311 of the Foreign Service Act of 1980 (22
14 U.S.C. 3951) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(e) The Secretary shall hold a family member of a
17 government employee described in subsection (a) seeking
18 employment in a position described in such subsection to
19 the same employment standards as those applicable to
20 Foreign Service officers, Foreign Service personnel, or for-
21 eign national employees seeking the same or a substan-
22 tially similar position.”.

1 **SEC. 6. IN-STATE TUITION RATES FOR MEMBERS OF THE**
2 **FOREIGN SERVICE, SPOUSES, AND DEPEND-**
3 **ENT CHILDREN.**

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

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

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

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

17 (4) by amending subsection (d) to read as fol-
18 lows:

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

21 “(1) a member of the Armed Forces (as such
22 term is defined in section 101 of title 10, United
23 States Code) who is on active duty for a period of
24 more than 30 days (as such term is defined in such
25 section 101); or

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

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect at each public institution
7 of higher education (as such term is defined in the Higher
8 Education Act of 1965 (20 U.S.C. 1001 et seq.)) in a
9 State that receives assistance under such Act for the first
10 period of enrollment at such institution that begins after
11 the date of the enactment of this Act.