

110TH CONGRESS  
1ST SESSION

# H. R. 3202

To amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2007

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOM DAVIS of Virginia, Mr. VAN HOLLEN, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Service Over-  
3 seas Pay Equity Act of 2007”.

4 **SEC. 2. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

5 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—  
6 Chapter 4 of the Foreign Service Act of 1980 (22 U.S.C.  
7 3961 and following) is amended by adding at the end the  
8 following:

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

10 “(a) IN GENERAL.—A member of the Service who is  
11 designated class 1 or below and whose official duty station  
12 is neither in the continental United States nor in a non-  
13 foreign area shall receive the same locality-based com-  
14 parability payment under section 5304 of title 5, United  
15 States Code (stated as a percentage) as would be payable  
16 to such member if such member’s official duty station  
17 were in the District of Columbia.

18 “(b) TREATMENT AS BASIC PAY.—The amount of  
19 any locality-based comparability payment which is payable  
20 to a member by virtue of this section—

21 “(1) shall be considered to be part of the basic  
22 pay of such member for the same purposes as pro-  
23 vided for under section 5304(c)(2)(A) of title 5,  
24 United States Code; and

25 “(2) shall be subject to any applicable limita-  
26 tions on pay.

1       “(c) PHASE-IN.—The locality-based comparability  
2 payment payable to a member under this section shall—

3               “(1) in fiscal year 2008, be equal to 33.33 per-  
4 cent of the adjustment which would otherwise apply  
5 under subsection (a);

6               “(2) in fiscal year 2009, be equal to 66.67 per-  
7 cent of the adjustment which would otherwise apply  
8 under subsection (a); and

9               “(3) in fiscal year 2010 and each subsequent  
10 fiscal year, be equal to the adjustment determined  
11 under subsection (a).

12       “(d) NON-FOREIGN AREA DEFINED.—For purposes  
13 of this section, the term ‘non-foreign area’ has the same  
14 meaning as is given such term in regulations carrying out  
15 section 5941 of title 5, United States Code.”.

16       (b) CONFORMING AMENDMENT.—The table of con-  
17 tents set forth in section 2 of such Act is amended by  
18 inserting after the item relating to section 414 the fol-  
19 lowing:

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

20       (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply with respect to pay periods begin-  
22 ning on or after October 1, 2007, or the date of the enact-  
23 ment of this Act, whichever is later.

1 **SEC. 3. DEATH GRATUITY.**

2 (a) IN GENERAL.—Section 413(a) of the Foreign  
3 Service Act of 1980 (22 U.S.C. 3973(a)) is amended—

4 (1) by striking “(a)” and inserting “(a)(1)”;

5 and

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

7 “(2) For purposes of any computation under this sec-  
8 tion, the rate of basic salary payable to a Foreign Service  
9 employee at time of death shall—

10 “(A) except as provided in subparagraph (B),  
11 be deemed to have been equal to the rate that was  
12 then payable for level II of the Executive Schedule  
13 under section 5313 of title 5, United States Code;  
14 or

15 “(B) if the decedent was subject to a local com-  
16 pensation plan under section 408 at time of death,  
17 be deemed to have been equal to the highest basic  
18 salary rate that was then payable under such plan.”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall apply with respect to deaths occurring  
21 on or after the date of the enactment of this Act.

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