

**Calendar No. 460**108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2127****[Report No. 108-247]**

To build operational readiness in civilian agencies, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 25, 2004

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MARCH 18, 2004

Reported, under authority of the order of the Senate of March 12, 2004, by  
Mr. LUGAR, without amendment

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**A BILL**

To build operational readiness in civilian agencies, 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 “Stabilization and Re-  
5 construction Civilian Management Act of 2004”.

1 **SEC. 2. FINDING; PURPOSE.**

2 (a) FINDING.—Congress finds that the resources of  
3 the United States Armed Forces have been burdened by  
4 having to undertake stabilization and reconstruction tasks  
5 in the Balkans, Afghanistan, Iraq, and other countries of  
6 the world that could have been performed by civilians,  
7 which has resulted in lengthy deployments for Armed  
8 Forces personnel.

9 (b) PURPOSE.—The purpose of this Act is to provide  
10 for the development, as a core mission of the Department  
11 of State and the United States Agency for International  
12 Development, of an effective expert civilian response capa-  
13 bility to carry out stabilization and reconstruction activi-  
14 ties in a country or region that is in, or is in transition  
15 from, conflict or civil strife.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ADMINISTRATOR.—The term “Adminis-  
19 trator” means the Administrator of the United  
20 States Agency for International Development.

21 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—The term “appropriate congressional com-  
23 mittees” means the Committee on Foreign Relations  
24 of the Senate and the Committee on International  
25 Relations of the House of Representatives.

1           (3) DEPARTMENT.—Except as otherwise pro-  
2           vided in this Act, the term “Department” means the  
3           Department of State.

4           (4) EXECUTIVE AGENCY.—The term “Executive  
5           agency” has the meaning given that term in section  
6           105 of title 5, United States Code.

7           (5) SECRETARY.—Except as otherwise specifi-  
8           cally provided in this Act, the term “Secretary”  
9           means the Secretary of State.

10 **SEC. 4. SENSE OF CONGRESS.**

11           It is the sense of Congress that—

12           (1) the civilian element of United States joint  
13           civilian-military operations should be strengthened in  
14           order to enhance the execution of current and future  
15           stabilization and reconstruction activities in foreign  
16           countries or regions that are in, or are in transition  
17           from, conflict or civil strife;

18           (2) the capability of civilian agencies of the  
19           United States Government to carry out stabilization  
20           and reconstruction activities in such countries or re-  
21           gions should also be enhanced through a new rapid  
22           response corps of civilian experts supported by the  
23           establishment of a new system of planning, organiza-  
24           tion, personnel policies, and education and training,  
25           and the provision of adequate resources;

1           (3) the international community, including non-  
2 governmental organizations, and the United Nations  
3 and its specialized agencies, should be further en-  
4 couraged to participate in planning and organizing  
5 stabilization and reconstruction activities in such  
6 countries or regions;

7           (4) the President should establish a new direc-  
8 torate of stabilization and reconstruction activities  
9 within the National Security Council to oversee the  
10 development of interagency contingency plans and  
11 procedures, including plans and procedures for joint  
12 civilian-military operations, to address stabilization  
13 and reconstruction requirements in such countries or  
14 regions;

15           (5) the President should establish a standing  
16 committee to exercise responsibility for overseeing  
17 the formulation and execution of stabilization and  
18 reconstruction policy in order to ensure appropriate  
19 interagency coordination in the planning and execu-  
20 tion of stabilization and reconstruction activities, in-  
21 cluding joint civilian-military operations, of the  
22 United States Government, and should provide for  
23 the committee—

24                           (A) to be chaired by the Assistant to the  
25                           President for National Security Affairs; and

1 (B) to include the heads of—  
2 (i) the Department;  
3 (ii) the United States Agency for  
4 International Development;  
5 (iii) the Department of Labor;  
6 (iv) the Department of Commerce;  
7 (v) the Department of Justice;  
8 (vi) the Department of the Treasury;  
9 (vii) the Department of Agriculture;  
10 (viii) the Department of Defense; and  
11 (ix) other Executive agencies as ap-  
12 propriate;

13 (6) the Secretary and the Administrator should  
14 work with the Secretary of Defense to establish a  
15 personnel exchange program among the Department,  
16 the United States Agency for International Develop-  
17 ment, and the Department of Defense, including the  
18 regional commands and the Joint Staff, to enhance  
19 the stabilization and reconstruction skills of military  
20 and civilian personnel and their ability to undertake  
21 joint operations; and

22 (7) the heads of other Executive agencies  
23 should establish personnel exchange programs that  
24 are designed to enhance the stabilization and recon-  
25 struction skills of military and civilian personnel.

1 **SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR STA-**  
2 **BILIZATION AND RECONSTRUCTION CRISES.**

3 Chapter 1 of part III of the Foreign Assistance Act  
4 of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting  
5 after section 617 the following new section:

6 **“SEC. 618. ASSISTANCE FOR A STABILIZATION AND RECON-**  
7 **STRUCTION CRISIS.**

8 “(a) **AUTHORITY.**—If the President determines that  
9 it is important to the national interests of the United  
10 States for United States civilian agencies or non-Federal  
11 employees to assist in stabilizing and reconstructing a  
12 country or region that is in, or is in transition from, con-  
13 flict or civil strife, the President may, in accordance with  
14 the provisions set forth in section 614(a)(3), notwith-  
15 standing any other provision of law, and on such terms  
16 and conditions as the President may determine, furnish  
17 assistance to respond to the crisis and authorize the export  
18 of goods and services needed to respond to the crisis.

19 “(b) **SPECIAL AUTHORITIES.**—To provide assistance  
20 authorized in subsection (a), the President may exercise  
21 the authorities contained in sections 552(c)(2), 610, and  
22 614 of this Act without regard to the percentage and ag-  
23 gregate dollar limitations contained in such sections.

24 “(c) **AUTHORIZATION OF FUNDING.**—

25 “(1) **INITIAL AUTHORIZATION.**—There is au-  
26 thorized to be appropriated, without fiscal year limi-

1 tation, \$100,000,000 in funds that may be used to  
 2 provide assistance authorized in subsection (a).

3 “(2) REPLENISHMENT.—There is authorized to  
 4 be appropriated each fiscal year such sums as may  
 5 be necessary to replenish funds expended as pro-  
 6 vided under paragraph (1). Funds authorized to be  
 7 appropriated under this paragraph shall be available  
 8 without fiscal year limitation for the same purpose  
 9 and under the same conditions as are provided  
 10 under paragraph (1).”.

11 **SEC. 6. OFFICE OF INTERNATIONAL STABILIZATION AND**  
 12 **RECONSTRUCTION.**

13 Title I of the State Department Basic Authorities Act  
 14 of 1956 is amended by adding after section 58 (22 U.S.C.  
 15 2730) the following new section:

16 **“SEC. 59. INTERNATIONAL STABILIZATION AND RECON-**  
 17 **STRUCTION.**

18 “(a) OFFICE OF INTERNATIONAL STABILIZATION  
 19 AND RECONSTRUCTION.—

20 “(1) ESTABLISHMENT.—The Secretary shall es-  
 21 tablish within the Department of State an Office of  
 22 International Stabilization and Reconstruction.

23 “(2) COORDINATOR FOR INTERNATIONAL STA-  
 24 BILIZATION AND RECONSTRUCTION.—The head of  
 25 the Office shall be the Coordinator for International

1 Stabilization and Reconstruction, who shall be ap-  
2 pointed by the President, by and with the advice and  
3 consent of the Senate. The Coordinator shall report  
4 directly to the Secretary and shall have the rank and  
5 status of Ambassador-at-Large.

6 “(3) FUNCTIONS.—The functions of the Office  
7 of International Stabilization and Reconstruction in-  
8 clude the following:

9 “(A) Monitoring, in coordination with rel-  
10 evant bureaus within the Department of State,  
11 political and economic instability worldwide to  
12 anticipate the need for mobilizing United States  
13 and international assistance for the stabilization  
14 and reconstruction of countries or regions that  
15 are in, or are in transition from, conflict or civil  
16 strife.

17 “(B) Assessing the various types of sta-  
18 bilization and reconstruction crises that could  
19 occur and cataloging and monitoring the non-  
20 military resources and capabilities of Executive  
21 agencies that are available to address such cri-  
22 ses.

23 “(C) Planning to address requirements,  
24 such as demobilization, policing, human rights  
25 monitoring, and public information, that com-



1           monly arise in stabilization and reconstruction  
2           crises.

3           “(D) Coordinating with relevant Executive  
4           agencies (as that term is defined in section 105  
5           of title 5, United States Code) to develop inter-  
6           agency contingency plans to mobilize and deploy  
7           civilian personnel to address the various types  
8           of such crises.

9           “(E) Entering into appropriate arrange-  
10          ments with other Executive agencies to carry  
11          out activities under this section and the Sta-  
12          bilization and Reconstruction Civilian Manage-  
13          ment Act of 2004.

14          “(F) Identifying personnel in State and  
15          local governments and in the private sector who  
16          are available to participate in the Response  
17          Readiness Corps or the Response Readiness Re-  
18          serve established under subsection (b) or to oth-  
19          erwise participate in or contribute to stabiliza-  
20          tion and reconstruction activities.

21          “(G) Ensuring that training of civilian per-  
22          sonnel to perform such stabilization and recon-  
23          struction activities is adequate and, as appro-  
24          priate, includes security training that involves

1 exercises and simulations with the Armed  
2 Forces, including the regional commands.

3 “(H) Sharing information and coordi-  
4 nating plans for stabilization and reconstruction  
5 activities with rapid response elements of the  
6 United Nations and its specialized agencies,  
7 nongovernmental organizations, and other for-  
8 eign national and international organizations.

9 “(I) Coordinating plans and procedures for  
10 joint civilian-military operations with respect to  
11 stabilization and reconstruction activities.

12 “(J) Maintaining the capacity to field on  
13 short notice an evaluation team to undertake  
14 on-site needs assessment.

15 “(b) RESPONSE TO STABILIZATION AND RECON-  
16 STRUCTION CRISIS.—If the President makes a determina-  
17 tion regarding a stabilization and reconstruction crisis  
18 under section 618 of the Foreign Assistance Act of 1961,  
19 the President may designate the Coordinator, or such  
20 other individual as the President may determine appro-  
21 priate, as the coordinator of the United States response.  
22 The individual so designated, or, in the event the Presi-  
23 dent does not make such a designation, the Coordinator  
24 for International Stabilization and Reconstruction, shall—

1           “(1) assess the immediate and long-term need  
2           for resources and civilian personnel;

3           “(2) identify and mobilize non-military re-  
4           sources to respond to the crisis; and

5           “(3) coordinate the activities of the other indi-  
6           viduals or management team, if any, designated by  
7           the President to manage the United States re-  
8           sponse.”.

9   **SEC. 7. RESPONSE READINESS CORPS.**

10       (a) IN GENERAL.—Section 59 of the State Depart-  
11       ment Basic Authorities Act of 1956 (as added by section  
12       6) is amended by adding at the end the following new sub-  
13       section:

14       “(c) RESPONSE READINESS FORCE.—

15           “(1) RESPONSE READINESS CORPS.—

16               “(A) ESTABLISHMENT AND PURPOSE.—

17               The Secretary, in consultation with the Admin-  
18               istrator of the United States Agency for Inter-  
19               national Development, is authorized to establish  
20               a Response Readiness Corps (hereafter referred  
21               to in this section as the ‘Corps’) to provide as-  
22               sistance in support of stabilization and recon-  
23               struction activities in foreign countries or re-  
24               gions that are in, or are in transition from, con-  
25               flict or civil strife.

1           “(B) COMPOSITION.—The Secretary and  
2 Administrator of the United States Agency for  
3 International Development should coordinate in  
4 the recruitment, hiring, and training of—

5                   “(i) up to 250 personnel to serve in  
6 the Corps; and

7                   “(ii) such other personnel as the Sec-  
8 retary, in consultation with the Adminis-  
9 trator, may designate as members of the  
10 Corps from among employees of the De-  
11 partment of State and the United States  
12 Agency for International Development.

13           “(C) TRAINING.—The Secretary shall train  
14 the members of the Corps to perform services  
15 necessary to carry out the purpose of the Corps  
16 under subparagraph (A).

17           “(D) COMPENSATION.—Members of the  
18 Corps hired under subparagraph (B)(i) shall be  
19 compensated in accordance with the appropriate  
20 salary class for the Foreign Service, as set forth  
21 in sections 402 and 403 of the Foreign Service  
22 Act of 1980 (22 U.S.C. 3962 and 22 U.S.C.  
23 3963), or in accordance with the relevant au-  
24 thority under sections 3101 and 3392 of title 5,  
25 United States Code.

1           “(2) RESPONSE READINESS RESERVE.—

2                   “(A) ESTABLISHMENT AND PURPOSE.—

3           The Secretary, in consultation with the heads of  
4           other relevant Executive agencies, is authorized  
5           to establish and maintain a roster of personnel  
6           who are trained and available as needed to per-  
7           form services necessary to carry out the pur-  
8           pose of the Corps under paragraph (1)(A). The  
9           personnel listed on the roster shall constitute a  
10          Response Readiness Reserve to augment the  
11          Corps.

12                   “(B) FEDERAL EMPLOYEES.—The Re-  
13          sponse Readiness Reserve may include employ-  
14          ees of the Department of State, including For-  
15          eign Service Nationals, employees of the United  
16          States Agency for International Development,  
17          employees of any other Executive agency (as  
18          that term is defined in section 105 of title 5,  
19          United States Code), and employees from the  
20          legislative and judicial branches who—

21                           “(i) have the training and skills nec-  
22                           essary to enable them to contribute to sta-  
23                           bilization and reconstruction activities; and

1           “(ii) have volunteered for deployment  
2           to carry out stabilization and reconstruc-  
3           tion activities.

4           “(C) NON-FEDERAL PERSONNEL.—The  
5           Response Readiness Reserve should also include  
6           at least 500 personnel, which may include re-  
7           tired employees of the Federal Government,  
8           contractor personnel, nongovernmental organi-  
9           zation personnel, and State and local govern-  
10          ment employees, who—

11                  “(i) have the training and skills nec-  
12                  essary to enable them to contribute to sta-  
13                  bilization and reconstruction activities; and

14                  “(ii) have volunteered to carry out  
15                  stabilization and reconstruction activities.

16          “(3) USE OF CORPS AND RESERVE.—

17                  “(A) RESPONSE READINESS CORPS.—The  
18          members of the Corps shall be available—

19                  “(i) if responding in support of sta-  
20                  bilization and reconstruction activities pur-  
21                  suant to a determination by the President  
22                  regarding a stabilization and reconstruc-  
23                  tion crisis under section 618 of the For-  
24                  eign Assistance Act of 1961, for deploy-  
25                  ment in support of such activities; and

1           “(ii) if not responding as described in  
2           clause (i), for assignment in the United  
3           States, United States diplomatic missions,  
4           and United States Agency for Inter-  
5           national Development missions.

6           “(B) RESPONSE READINESS RESERVE.—  
7           The Secretary may deploy members of the re-  
8           serve under paragraph (2) in support of sta-  
9           bilization and reconstruction activities in a for-  
10          eign country or region if the President makes  
11          a determination regarding a stabilization and  
12          reconstruction crisis under section 618 of the  
13          Foreign Assistance Act of 1961.”.

14          (b) EMPLOYMENT AUTHORITY.—The full-time per-  
15          sonnel authorized to be employed in the Response Readiness  
16          Corps under section 59(b)(1)(B)(i) of the State De-  
17          partment Basic Authorities Act of 1956 (as added by sub-  
18          section (a)) are in addition to any other full-time per-  
19          sonnel of the Department or the United States Agency for  
20          International Development authorized to be employed  
21          under any other provision of law.

22          (c) REPORT.—Not later than 180 days after the date  
23          of the enactment of this Act, the Secretary shall submit  
24          to the appropriate congressional committees a report on  
25          the status of efforts to establish the Response Readiness

1 Corps and the Response Readiness Reserve under this sec-  
 2 tion. The report shall include recommendations—

3 (1) for any legislation necessary to implement  
 4 subsection (a); and

5 (2) related to the regulation and structure of  
 6 the Response Readiness Corps and the Response  
 7 Readiness Reserve, including with respect to pay and  
 8 employment security for, and benefit and retirement  
 9 matters related to, such individuals.

10 **SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING**  
 11 **AND EDUCATION.**

12 Section 701 of the Foreign Service Act of 1980 (22  
 13 U.S.C. 4021) is amended—

14 (1) by redesignating subsection (g) as sub-  
 15 section (h); and

16 (2) by inserting after subsection (f) the fol-  
 17 lowing new subsection:

18 “(g) **STABILIZATION AND RECONSTRUCTION CUR-**  
 19 **RICULUM.**—

20 “(1) **ESTABLISHMENT AND MISSION.**—The Sec-  
 21 retary, in cooperation with the Secretary of Defense  
 22 and the Secretary of the Army, is authorized to es-  
 23 tablish a stabilization and reconstruction curriculum  
 24 for use in programs of the Foreign Service Institute,



1 the National Defense University, and the United  
2 States Army War College.

3 “(2) CURRICULUM CONTENT.—The curriculum  
4 shall include the following:

5 “(A) An overview of the global security en-  
6 vironment, including an assessment of  
7 transnational threats and an analysis of United  
8 States policy options to address such threats.

9 “(B) A review of lessons learned from pre-  
10 vious United States and international experi-  
11 ences in stabilization and reconstruction activi-  
12 ties.

13 “(C) An overview of the relevant respon-  
14 sibilities, capabilities, and limitations of various  
15 Executive agencies (as that term is defined in  
16 section 105 of title 5, United States Code) and  
17 the interactions among them.

18 “(D) A discussion of the international re-  
19 sources available to address stabilization and  
20 reconstruction requirements, including re-  
21 sources of the United Nations and its special-  
22 ized agencies, nongovernmental organizations,  
23 private and voluntary organizations, and foreign  
24 governments, together with an examination of

1 the successes and failures experienced by the  
2 United States in working with such entities.

3 “(E) A study of the United States inter-  
4 agency system.

5 “(F) Foreign language training.

6 “(G) Training and simulation exercises for  
7 joint civilian-military emergency response oper-  
8 ations.”.

9 **SEC. 9. SERVICE RELATED TO STABILIZATION AND RECON-**  
10 **STRUCTION.**

11 (a) **PROMOTION PURPOSES.**—Service in stabilization  
12 and reconstruction operations overseas, membership in the  
13 Response Readiness Corps under section 59(b) of the  
14 State Department Basic Authorities Act of 1956 (as  
15 added by section 7), and education and training in the  
16 stabilization and reconstruction curriculum established  
17 under section 701(g) of the Foreign Service Act of 1980  
18 (as added by section 8) should be considered among the  
19 favorable factors for the promotion of employees of Execu-  
20 tive agencies.

21 (b) **PERSONNEL TRAINING AND PROMOTION.**—The  
22 Secretary and the Administrator should take steps to en-  
23 sure that, not later than 3 years after the date of the en-  
24 actment of this Act, at least 10 percent of the employees  
25 of the Department and the United States Agency for

1 International Development in the United States are mem-  
2 bers of the Response Readiness Corps or are trained in  
3 the activities of, or identified for potential deployment in  
4 support of, the Response Readiness Corps. The Secretary  
5 should provide such training to Ambassadors and Deputy  
6 Chiefs of Mission.

7 (c) OTHER INCENTIVES AND BENEFITS.—The Sec-  
8 retary and the Administrator may establish and admin-  
9 ister a system of awards and other incentives and benefits  
10 to confer appropriate recognition on and reward any indi-  
11 vidual who is assigned, detailed, or deployed to carry out  
12 stabilization or reconstruction activities in accordance with  
13 this Act.

14 **SEC. 10. AUTHORITIES RELATED TO PERSONNEL.**

15 (a) CONTRACTING AUTHORITY.—The Secretary, or  
16 the head of another Executive agency authorized by the  
17 Secretary, may, upon a determination by the President re-  
18 garding a stabilization and reconstruction crisis under sec-  
19 tion 618 of the Foreign Assistance Act of 1961, procure  
20 the services of individuals or organizations by contract to  
21 carry out the purposes of this Act. Individuals so per-  
22 forming such services shall not by virtue of performing  
23 such services be considered to be employees of the United  
24 States Government for purposes of any law administered  
25 by the Office of Personnel Management (except that the

1 Secretary or other authorized Executive agency head may  
2 determine the applicability to such individuals of any law  
3 administered by the Secretary or other authorized Execu-  
4 tive agency head concerning the performance of such serv-  
5 ices by such individuals).

6 (b) EXPERTS AND CONSULTANTS.—Upon a deter-  
7 mination by the President regarding a stabilization and  
8 reconstruction crisis under section 618 of the Foreign As-  
9 sistance Act of 1961, the Secretary and Administrator  
10 may, to the extent necessary to obtain services without  
11 delay, employ experts and consultants under section 3109  
12 of title 5, United States Code, without requiring compli-  
13 ance with any otherwise applicable requirements for that  
14 employment as the Secretary or Administrator may deter-  
15 mine, except that such employment shall be terminated  
16 after 60 days if by that time the applicable requirements  
17 are not complied with.

18 (c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—  
19 The Secretary and the Administrator are authorized to ac-  
20 cept details or assignments of employees of Executive  
21 agencies, members of the uniformed services, and employ-  
22 ees of State or local governments on a reimbursable or  
23 nonreimbursable basis in order to meet the purposes of  
24 this Act. The assignment of an employee of a State or  
25 local government under this subsection shall be consistent

1 with subchapter VI of chapter 33 of title 5, United States  
2 Code.

3 (d) DUAL COMPENSATION WAIVER.—

4 (1) ANNUITANTS UNDER CIVIL SERVICE RE-  
5 TIREMENT SYSTEM AND FEDERAL EMPLOYEES RE-  
6 TIREMENT SYSTEM.—Notwithstanding sections  
7 8344(i) and 8468(f) of title 5, United States Code,  
8 the Secretary and the Administrator may waive the  
9 application of the provisions of sections 8344 (a)  
10 through (h) and 8468 (a) through (e) of title 5,  
11 United States Code, with respect to annuitants  
12 under the Civil Service Retirement System or the  
13 Federal Employees Retirement System who are as-  
14 signed, detailed, or deployed to carry out stabiliza-  
15 tion and reconstruction activities in accordance with  
16 this Act during the period of their reemployment.

17 (2) ANNUITANTS UNDER FOREIGN SERVICE RE-  
18 TIREMENT AND DISABILITY SYSTEM AND FOREIGN  
19 SERVICE PENSION SYSTEM.—The Secretary may  
20 waive the application of subsections (a) through (d)  
21 of section 824 of the Foreign Service Act (22 U.S.C.  
22 4064), for annuitants under the Foreign Service Re-  
23 tirement and Disability System or the Foreign Serv-  
24 ice Pension System who are reemployed on a tem-  
25 porary basis in order to be assigned, detailed, or de-

1       ployed to carry out stabilization and reconstruction  
2       activities in accordance with this Act.

3       (e) EXTENSION OF CERTAIN FOREIGN SERVICE  
4 BENEFITS.—The Secretary may extend to any individuals  
5 assigned, detailed, or deployed to carry out stabilization  
6 and reconstruction activities in accordance with this Act  
7 the benefits or privileges set forth in sections 412, 413,  
8 704, and 901 of the Foreign Service Act of 1980 (22  
9 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22  
10 U.S.C. 4081) to the same extent and manner that such  
11 benefits and privileges are extended to members of the  
12 Foreign Service.

13       (f) COMPENSATORY TIME.—Notwithstanding any  
14 other provision of law, the Secretary and the Adminis-  
15 trator may, subject to the consent of an individual who  
16 is assigned, detailed, or deployed to carry out stabilization  
17 and reconstruction activities in accordance with this Act,  
18 grant such individual compensatory time off for an equal  
19 amount of time spent in regularly or irregularly scheduled  
20 overtime work. Credit for compensatory time off earned  
21 shall not form the basis for any additional compensation.  
22 Any such compensatory time not used within 26 pay peri-  
23 ods shall be forfeited.

24       (g) INCREASE IN PREMIUM PAY CAP.—The Sec-  
25 retary is authorized to compensate an employee detailed,

1 assigned, or deployed to carry out stabilization and recon-  
2 struction activities in accordance with this Act without re-  
3 gard to the limitations on premium pay set forth in section  
4 5547 of title 5, United States Code, to the extent that  
5 the aggregate of the basic pay and premium pay of such  
6 employee for a year does not exceed the annual rate pay-  
7 able for level II of the Executive Schedule.

8 (h) ACCEPTANCE OF VOLUNTEER SERVICES.—

9 (1) IN GENERAL.—The Secretary, or the head  
10 of an Executive agency authorized by the Secretary,  
11 may, upon a determination by the President regard-  
12 ing a stabilization and reconstruction crisis under  
13 section 618 of the Foreign Assistance Act of 1961,  
14 accept volunteer services to carry out stabilization  
15 and reconstruction activities under this Act and sec-  
16 tion 59 of the State Department Basic Authorities  
17 Act of 1956 without regard to section 1342 of title  
18 31, United States Code.

19 (2) TYPES OF VOLUNTEERS.—Donors of vol-  
20 untary services accepted for purposes of this section  
21 may include—

22 (A) advisors;

23 (B) experts;

24 (C) consultants; and

1 (D) persons performing services in any  
2 other capacity determined appropriate by the  
3 Secretary.

4 (3) SUPERVISION.—The Secretary, or the head  
5 of an Executive agency authorized by the Secretary,  
6 shall—

7 (A) ensure that each person performing  
8 voluntary services accepted under this section is  
9 notified of the scope of the voluntary services  
10 accepted;

11 (B) supervise the volunteer to the same ex-  
12 tent as employees receiving compensation for  
13 similar services; and

14 (C) ensure that the volunteer has appro-  
15 priate credentials or is otherwise qualified to  
16 perform in each capacity for which the volun-  
17 teer's services are accepted.

18 (4) APPLICABILITY OF PROVISIONS RELATING  
19 TO FEDERAL GOVERNMENT EMPLOYEES.—A person  
20 providing volunteer services accepted under this sec-  
21 tion shall not be considered an employee of the Fed-  
22 eral Government in the performance of those serv-  
23 ices, except for the purposes of the following provi-  
24 sions of law:



1 (A) Chapter 81 of title 5, United States  
2 Code, relating to compensation for work-related  
3 injuries.

4 (B) Chapter 171 of title 28, United States  
5 Code, relating to tort claims.

6 (C) Chapter 11 of title 18, United States  
7 Code, relating to conflicts of interest.

8 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-  
10 priated \$80,000,000 for personnel, education and train-  
11 ing, equipment, and travel costs for purposes of carrying  
12 out this Act and the amendments made by this Act.

13 (b) OFFICE OF INTERNATIONAL STABILIZATION AND  
14 RECONSTRUCTION.—Of the amounts authorized to be ap-  
15 propriated in subsection (a), \$8,000,000 is authorized to  
16 be made available to pay the salaries, overhead, travel, per  
17 diem, and related costs associated with establishing and  
18 operating the Office of International Stabilization de-  
19 scribed in section 59 of the State Department Basic Au-  
20 thorities Act of 1956 (as added by sections 6 and 7).

Calendar No. 460

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2127**

[Report No. 108-247]

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## **A BILL**

To build operational readiness in civilian agencies,  
and for other purposes.

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MARCH 18, 2004

Reported, under authority of the order of the Senate of  
March 12, 2004, without amendment