

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. BERA OF CALIFORNIA**

At the appropriate place, insert the following:

1 **SEC. ____ . FOREIGN SERVICE REDUCTION IN FORCE PROCE-**
2 **DURES.**

3 (a) IN GENERAL.—Section 611 of the Foreign Serv-
4 ice Act of 1980 (22 U.S.C. 4010a) is amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) The Secretary may conduct reductions in force
8 for the separation of members of the Service holding a
9 career or career candidate appointment under chapter 3
10 for reasons such as reorganization or shortage of funds.”;

11 (2) in subsection (c), by striking the second
12 sentence and inserting the following: “The Foreign
13 Service Grievances Board shall have the same au-
14 thority as the Merit Systems Protection Board to
15 adjudicate a grievance under this section.”;

16 (3) by redesignating subsections (b) and (c) (as
17 amended) as subsections (f) and (g), respectively;
18 and

1 (4) by inserting after subsection (a) the fol-
2 lowing new subsections:

3 “(b) The competitive area for a reduction in force
4 shall be worldwide, with employees of the same rank and
5 cone or specialist competing against each other for reten-
6 tion.

7 “(c) The Secretary shall ensure that reduction in
8 force procedures are designed to ensure that determina-
9 tions are based primarily on performance as determined
10 by previous selection board rankings and include consider-
11 ation of tenure of employment, language capabilities, and
12 military preference, subject to section 3501(a)(3) of title
13 5, United States Code.

14 “(d) Absent unforeseen circumstances, members of
15 the Service shall be given 120 days advance notice of separa-
16 tion. In no case shall members be given less than 60
17 days advance notice.

18 “(e) Members of the Service shall be afforded the
19 same protections afforded to career members of the civil
20 service under section 3503 of title 5, United States Code,
21 in the event of a transfer of function.”.

22 (b) CONFORMING AMENDMENT.—Section 1005(a)(3)
23 of the Foreign Service Act of 1980 (22 U.S.C. 4105(a)(3))
24 is amended by striking “, and to prescribe regulations for

- 1 the separation of employees pursuant to such reductions
- 2 in force conducted under section 611”.

