

§ 4011. Termination of limited appointments

Except as provided in section 4010(a)(2) of this title, the Secretary may terminate at any time the appointment of any member of the Service serving under a limited appointment who is in the Senior Foreign Service, who is assigned to a salary class in the Foreign Service Schedule or who is paid in accordance with section 3967 of this title or is a United States citizen paid under a compensation plan under section 3968 of this title.

(Pub. L. 96-465, title I, § 612, formerly § 611, Oct. 17, 1980, 94 Stat. 2099; renumbered § 612 and amended Pub. L. 103-236, title I, §§ 180(a)(7), 181(a)(1), Apr. 30, 1994, 108 Stat. 416.)

PRIOR PROVISIONS

A prior section 612 of Pub. L. 96-465 was renumbered section 613 and is classified to section 4012 of this title.

AMENDMENTS

1994—Pub. L. 103-236, § 180(a)(7), substituted “or who is paid in accordance with section 3967 of this title or is a United States citizen paid under a compensation plan under section 3968 of this title.” for “, or who is a family member of a Government employee serving under a local compensation plan established under section 3968 of this title.”

§ 4012. Termination of appointments of consular agents and foreign national employees

(a) The Secretary of State may terminate at any time the appointment of any consular agent in light of the criteria and procedures normally followed in the locality in similar circumstances.

(b) The Secretary may terminate at any time the appointment of any foreign national employee in light of the criteria and procedures normally followed in the locality in similar circumstances.

(Pub. L. 96-465, title I, § 613, formerly § 612, Oct. 17, 1980, 94 Stat. 2099; renumbered § 613, Pub. L. 103-236, title I, § 181(a)(1), Apr. 30, 1994, 108 Stat. 416.)

PRIOR PROVISIONS

A prior section 613 of Pub. L. 96-465 was renumbered section 614 and is classified to section 4013 of this title.

§ 4012a. Foreign national employees separation pay**(a) Establishment**

There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) Funding

There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(c) Availability

Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(d) Expenditures from fund

Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

(Pub. L. 102-138, title I, § 151, Oct. 28, 1991, 105 Stat. 672.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

§ 4013. Foreign Service awards

The President shall establish a system of awards to confer appropriate recognition of outstanding contributions to the Nation by members of the Service. The awards system established under this section shall provide for presentation by the President and by the Secretary of medals or other suitable commendations for performance in the course of or beyond the call of duty which involves distinguished, meritorious service to the Nation, including extraordinary valor in the face of danger to life or health. Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.

(Pub. L. 96-465, title I, § 614, formerly § 613, Oct. 17, 1980, 94 Stat. 2099; renumbered § 614, Pub. L. 103-236, title I, § 181(a)(1), Apr. 30, 1994, 108 Stat. 416; amended Pub. L. 105-292, title V, § 504(b), Oct. 27, 1998, 112 Stat. 2811.)

AMENDMENTS

1998—Pub. L. 105-292 inserted at end “Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.”

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, see section 1 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13969, set out under section 3901 of this title.

SUBCHAPTER VII—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION**§ 4021. Institution for training****(a) Institution or center for training**

The Secretary of State shall maintain and operate an institution or center for training (hereinafter in this subchapter referred to as the “institution”), originally established under section 701 of the Foreign Service Act of 1946, in order to promote career development within the Service and to provide necessary training and instruction in the field of foreign relations to members of the Service and to employees of the Department and of other agencies. The institution shall be headed by a Director, who shall be ap-

pointed by the Secretary of State. The institution shall be designated the “George P. Shultz National Foreign Affairs Training Center”¹

(b) Provision of training

To the extent practicable, the Secretary of State shall provide training under this subchapter which meets the needs of all agencies, and other agencies shall avoid duplicating the facilities and training provided by the Secretary of State through the institution and otherwise.

(c) Training and instruction to citizens of Trust Territory of the Pacific Islands

Training and instruction may be provided at the Institute² for not to exceed sixty citizens of the Trust Territory of the Pacific Islands in order to prepare them to serve as members of the foreign services of the Federated States of Micronesia, the Marshall Islands, and Palau. The authority of this subsection shall expire when the Compact of Free Association is approved by the Congress.

(d) Training and instruction of employees of foreign governments

(1) The Secretary of State is authorized to provide for special professional foreign affairs training and instruction of employees of foreign governments through the institution.

(2) Training and instruction under paragraph (1) shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances to the Department of State may be provided by an agency of the United States Government or by a foreign government and shall be credited to the currently available applicable appropriation account.

(3) In making such training available to employees of foreign governments, priority consideration should be given to officials of newly emerging democratic nations and then to such other countries as the Secretary determines to be in the national interest of the United States.

(e) Training or services for United States person

(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution’s primary mission of training employees of the De-

partment and of other agencies in the field of foreign relations.

(5) In this subsection, the term “United States person” means—

(A) any individual who is a citizen or national of the United States; or

(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

(f) Programs for Members of Congress or the Judiciary

(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution’s primary mission of training employees of the Department and of other agencies in the field of foreign relations.

(g) Applicability of section 4024 of this title

The authorities of section 4024 of this title shall apply to training and instruction provided under this section.

(Pub. L. 96–465, title I, § 701, Oct. 17, 1980, 94 Stat. 2099; Pub. L. 98–164, title I, § 126, Nov. 22, 1983, 97 Stat. 1026; Pub. L. 103–236, title I, § 126(2), (3), Apr. 30, 1994, 108 Stat. 393, 394; Pub. L. 103–415, § 1(y), Oct. 25, 1994, 108 Stat. 4302; Pub. L. 105–277, div. G, subdiv. B, title XXII, § 2205(a)(1), (3), Oct. 21, 1998, 112 Stat. 2681–808, 2681–809; Pub. L. 107–132, § 1(a), Jan. 16, 2002, 115 Stat. 2412; Pub. L. 107–228, div. A, title III, § 318(2), Sept. 30, 2002, 116 Stat. 1379.)

REFERENCES IN TEXT

Section 701 of the Foreign Service Act of 1946, referred to in subsec. (a), which was classified to section 1041 of this title, was repealed by Pub. L. 96–465, title II, § 2205(1), Oct. 17, 1980, 94 Stat. 2159.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–132 inserted at end “The institution shall be designated the ‘George P. Shultz National Foreign Affairs Training Center’”.

Subsecs. (d)(4) to (g). Pub. L. 107–228 repealed Pub. L. 105–277, § 2205(a)(3). See 1998 Amendment notes below.

1998—Subsec. (d)(4). Pub. L. 105–277, § 2205(a)(3)(B), which directed the redesignation of subsec. (g) as (d)(4), effective Oct. 1, 2002, was repealed by Pub. L. 107–228, effective Sept. 30, 2002.

Pub. L. 105–277, § 2205(a)(1)(A), redesignated subsec. (d)(4) as (g).

Subsecs. (e), (f). Pub. L. 105–277, § 2205(a)(3)(A), which directed the striking out of subsecs. (e) and (f), effective Oct. 1, 2002, was repealed by Pub. L. 107–228, effective Sept. 30, 2002.

Pub. L. 105–277, § 2205(a)(1)(B), added subsecs. (e) and (f).

Subsec. (g). Pub. L. 105–277, § 2205(a)(3)(B), which directed the redesignation of subsec. (g) as (d)(4), effective Oct. 1, 2002, was repealed by Pub. L. 107–228, effective Sept. 30, 2002.

Pub. L. 105–277, § 2205(a)(1)(A), redesignated subsec. (d)(4) as (g).

¹ So in original. Probably should be followed by a period.

² So in original. Probably should be “institution”.

1994—Pub. L. 103-415 made technical amendment relating to style of section catchline.

Pub. L. 103-236, §126(2)(A), substituted “Institution for training” for “Foreign Service Institute” as section catchline.

Subsec. (a). Pub. L. 103-236, §126(2)(B), inserted heading, substituted “an institution or center for training (hereinafter in this subchapter referred to as the ‘institution’)” for “the Foreign Service Institute (hereinafter in this subchapter referred to as the ‘Institute’),”, and substituted “institution shall” for “Institute shall”.

Subsec. (b). Pub. L. 103-236, §126(3), substituted “institution” for “Institute”.

Subsec. (d). Pub. L. 103-236, §126(2)(C), added subsec. (d).

1983—Subsec. (c). Pub. L. 98-164 added subsec. (c).

CHANGE OF NAME

Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412, provided that: “Any reference in any provision of law to the National Foreign Affairs Training Center or the Foreign Service Institute shall be considered to be a reference to the ‘George P. Shultz National Foreign Affairs Training Center’.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. G, subdiv. B, title XXII, §2205(a)(2), Oct. 21, 1998, 112 Stat. 2681-809, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on October 1, 1998.”

Pub. L. 105-277, div. G, subdiv. B, title XXII, §2205(a)(3), Oct. 21, 1998, 112 Stat. 2681-809, which provided that the amendment made by section 2205(a)(3) was effective Oct. 1, 2002, was repealed by Pub. L. 107-228, div. A, title III, §318(2), Sept. 30, 2002, 116 Stat. 1379.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

DESIGNATION OF FOREIGN LANGUAGE RESOURCES COORDINATOR

Section 192 of Pub. L. 103-236 provided that:

“(a) POLICY.—It is the sense of the Congress that—

“(1) the Department of State, by virtue of the Secretary’s overall responsibility under section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4011(a) [22 U.S.C. 4021(a)]) for training and instruction in the field of foreign relations to meet the needs of all Federal agencies, should take the lead in this inter-agency effort; and

“(2) in order to promote efficiency and quality in the training provided by the Secretary of State and other Federal agencies, the Secretary should call upon other agencies to share in the joint management and coordination of Federal foreign language resources.

“(b) FOREIGN LANGUAGE RESOURCES COORDINATOR.—

“(1) The Secretary of State should appoint a Foreign Language Resources Coordinator (in this subsection referred to as the ‘Coordinator’) who shall be responsible—

“(A) for coordinating the efforts of the appropriate agencies of Government—

“(i) to strengthen mechanisms for sharing of foreign language resources; and

“(ii) to identify Federal foreign language resource requirements in the areas of diplomacy, military preparedness, international security, and other foreign policy objectives; and

“(B) for making recommendations to the Secretary of State as to which Federal foreign language assets, if any, should be made available to the private sector in support of national global economic competitiveness goals.

“(2) All appropriate United States Government agencies maintaining and utilizing Federal foreign language training and related resources shall cooperate fully with any Coordinator.”

FOREIGN SERVICE INSTITUTE FACILITIES

Pub. L. 99-93, title I, §123, Aug. 16, 1985, 99 Stat. 413, as amended by Pub. L. 100-204, title I, §135, Dec. 22, 1987, 101 Stat. 1345; Pub. L. 102-138, title I, §124, Oct. 28, 1991, 105 Stat. 659; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2219(a)(3), Oct. 21, 1998, 112 Stat. 2681-817, provided that:

“(a) PURPOSE.—The purpose of this section is to promote comprehensive training to meet the foreign relations and national security objectives of the United States and to provide facilities designed for that purpose to assure cost efficient training.

“(b) CONSTRUCTION OF TRAINING FACILITIES.—The Administrator of General Services may construct a consolidated training facility for the Foreign Service Institute on a site made available by the Secretary of State or acquired by the Administrator of General Services. Such site shall be located outside the District of Columbia but within reasonable proximity to the Department of State. The Administrator of General Services may carry out this subsection only to the extent that funds are provided in advance in appropriation Acts to the Department of State and are transferred to the Administrator of General Services for carrying out this section.

“(c) USE OF FUNDS.—(1)(A) Of amounts authorized to be appropriated to the Department of State for fiscal years 1986 and 1987 for ‘Administration of Foreign Affairs’ by section 101(1) [Pub. L. 99-93, §101(1), which is not classified to the Code], a total of not to exceed \$11,000,000 may be transferred by the Secretary of State to the Administrator of General Services for carrying out feasibility studies, site acquisition, and design, architectural, and engineering planning under subsection (b) of this section.

“(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer a total not to exceed \$11,000,000 for ‘Administration of Foreign Affairs’ to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural, and engineering planning under subsection (b).

“(2) Of amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, for ‘Administration of Foreign Affairs’, a total not to exceed \$70,000,000 may be transferred by the Secretary of State to the Administrator of General Services for carrying out construction under subsection (b) of this section.

“(3) Funds may not be obligated for construction of a facility under this section before the end of the period of 30 days of continuous session of Congress beginning on the date on which plans and estimates developed to carry out this section are submitted to the Committees on Foreign Affairs and Public Works and Transportation of the House of Representatives and the Committees on Foreign Relations and Environment and Public Works of the Senate. In determining days of continuous session of Congress for purposes of this paragraph—

“(A) continuity of session is broken only by an adjournment of Congress sine die; and

“(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the determination.

If both Houses of Congress are not in session on the day any plans and estimates are submitted to such committees, such submittal shall be deemed to have been submitted on the first succeeding day on which both Houses are in session. If all such committees do not receive a submittal on the same day, such period shall not begin until the date on which all such committees have received it.

“(d) JURISDICTION AND CUSTODY.—The facility constructed under this section and the site of such facility

shall be under jurisdiction and in the custody of the Administrator of General Services.

“(e) OPERATION, MAINTENANCE, SECURITY, ALTERATION, AND REPAIR.—(1) The Administrator of General Services shall delegate, in accordance with section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486) [see 40 U.S.C. 121 and Historical and Revision notes thereunder] and section 15 of the Public Buildings Act of 1959 (40 U.S.C. 614) [now 40 U.S.C. 3314], to the Secretary of State responsibility for the operation, maintenance, and security of and alterations and repairs to the facility constructed pursuant to this section, provided the facility is used by the Secretary for the purposes authorized by this section.

“(2) Repealed. Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2219(a)(3), Oct. 21, 1998, 112 Stat. 2681-817.]

“(f) EXEMPTION FROM PAYMENT OF CHARGES.—(1) Except as provided in paragraph (2), the Department of State shall be exempt from the charges required by section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)) [now 40 U.S.C. 586(a), (b)] for the use of the facility constructed under this section for the Foreign Service Institute.

“(2) The Administrator of General Services shall charge the Department of State under such section 210(j) for the costs of any operation, maintenance, repairs, or alterations of such facility carried out by the Administrator of General Services.”

LANGUAGE TRAINING FOR FAMILY MEMBERS OF FOREIGN SERVICE PERSONNEL

Pub. L. 95-105, title IV, § 414, Aug. 17, 1977, 91 Stat. 857, as amended by Pub. L. 97-241, title V, § 505(a)(3), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: “It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946 [former section 1041 of this title] in order to increase the language training opportunities available to the family members of Foreign Service personnel.”

§ 4022. Foreign language requirements

(a) In general

The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) Training

The Secretary of State shall arrange for appropriate language training of members of the Service by the institution or otherwise in order to assist in meeting the requirements established under subsection (a) of this section.

(c) Report

Not later than January 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

- (1) became vacant during the previous fiscal year; and
- (2) were filled by individuals having the required foreign language competence.

(Pub. L. 96-465, title I, § 702, Oct. 17, 1980, 94 Stat. 2099; Pub. L. 103-236, title I, § 126(3), Apr. 30, 1994, 108 Stat. 394; Pub. L. 106-113, div. B, § 1000(a)(7)

[div. A, title II, § 208(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-422; Pub. L. 107-228, div. A, title III, § 327, Sept. 30, 2002, 116 Stat. 1387.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-228 substituted “January 31” for “March 31” in introductory provisions and “fiscal year” for “calendar year” in par. (1).

1999—Subsec. (c). Pub. L. 106-113 added subsec. (c).

1994—Subsec. (b). Pub. L. 103-236 substituted “institution” for “Institute”.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 4023. Career development program

(a) Establishment; primary attention and emphasis

The Secretary shall establish a professional development program to assure that members of the Service obtain the skills and knowledge required at the various stages of their careers. With regard to Foreign Service officers, primary attention shall be given to training for career candidate officers and for midcareer officers, both after achieving tenure and as they approach eligibility for entry to the Senior Foreign Service, to enhance and broaden their qualifications for more senior levels of responsibility in the Service. Training for other members of the Service shall emphasize programs designed to enhance their particular skills and expert knowledge, including development of the management skills appropriate to their occupational categories.

(b) Primary direction for Junior Foreign Service officer training and midcareer training

Junior Foreign Service officer training shall be directed primarily toward providing expert knowledge in the basic functions of analysis and reporting as well as in consular, administrative, and linguistic skills relevant to the full range of future job assignments. Midcareer training shall be directed primarily toward development and perfection of management, functional, negotiating, and policy development skills to prepare the officers progressively for more senior levels of responsibility.

(c) Purpose; completion of training as condition for placement or appointment

At each stage the program of professional development should be designed to provide members of the Service with the opportunity to acquire skills and knowledge relevant to clearly established professional standards of expected performance. Career candidates should satisfactorily complete candidate training prior to attainment of career status. Members of the Service should satisfactorily complete midcareer training before appointment to the Senior Foreign Service.

(d) University degree credit

In formulating programs under this section, the Secretary should establish a system to provide, insofar as possible, credit toward university degrees for successful completion of courses