

**§ 4158. Authority of other agencies**

The heads of agencies other than the Department of State which utilize the Foreign Service personnel system shall perform functions under this subchapter in accordance with regulations prescribed by the Secretary of State under section 4157 of this title. Such agency heads shall consult with the Secretary of State in the exercise of such functions.

(Pub. L. 96-465, title II, §2108, Oct. 17, 1980, 94 Stat. 2152.)

**§ 4159. Survivor benefits for certain former spouses****(a) Eligible participants; election of benefits**

Any participant or former participant in the Foreign Service Retirement and Disability System who on February 15, 1981, has a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 4054(b) of this title.

**(b) Time of election**

(1) If the participant or former participant has not retired under such system on or before February 15, 1981, an election under this section may be made at any time before retirement.

(2) If the participant or former participant has retired under such system on or before February 15, 1981, an election under this section may be made within such period after February 15, 1981, as the Secretary of State may prescribe.

(3) For purposes of applying subchapter VIII of this chapter, any such election shall be treated the same as if it were a spousal agreement under section 4060(b)(1) of this title.

**(c) Portion of annuity as basis for benefits**

An election under this section may provide for a survivor benefit based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the participant. The participant and his or her spouse may make an election under section 4046(b)(1)(B) of this title prior to the time of retirement for the purpose of allowing an election to be made under this section.

**(d) Amount of reduction; effective date**

The amount of the reduction in the participant's annuity shall be determined in accordance with section 4046(b)(2) of this title. Such reduction shall be effective as of—

(1) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1) of this section, or

(2) February 15, 1981, in the case of an election under subsection (b)(2) of this section.

**(e) Definitions**

For purposes of this section, the terms "former spouse", "participant", and "spousal agreement" have the meanings given such terms in sections 4043 and 4044 of this title.

(Pub. L. 96-465, title II, §2109, Oct. 17, 1980, 94 Stat. 2152.)

## SUBCHAPTER XIII—MISCELLANEOUS

**§ 4171. Model foreign language competence posts****(a) Designation of posts; time of designation and implementation; determination of competency standards**

In order to carry out the purposes of section 4022 of this title and to help ascertain the relationship between foreign language competence and the effectiveness of representation of the United States abroad, the Secretary of State shall designate as model foreign language competence posts at least two Foreign Service posts in countries where English is not the common language. Such designation shall be made no later than October 1, 1981, and shall be implemented so that no later than October 1, 1983, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the George P. Shultz National Foreign Affairs Training Center.

**(b) Continuation; report to Congress concerning operation of posts and advantages of meeting competency requirements**

The posts designated under subsection (a) of this section shall continue as model foreign language competence posts at least until September 30, 1985. The Secretary of State shall submit no later than January 31, 1986, a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the operation of such posts and the costs, advantages and disadvantages associated with meeting the foreign language competence requirements of this section.

**(c) Exceptions; report to Congress**

The Secretary of State may authorize exceptions to the requirements of this section if he determines that unanticipated exigencies so require.

(Pub. L. 96-465, title II, §2207, Oct. 17, 1980, 94 Stat. 2163; Pub. L. 103-236, title I, §139(7), (25), Apr. 30, 1994, 108 Stat. 398, 399; Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412.)

## AMENDMENTS

2002—Subsec. (a). Pub. L. 107-132 substituted "George P. Shultz National Foreign Affairs Training Center" for "Foreign Service Institute".

1994—Subsec. (c). Pub. L. 103-236, §139(7), (25), amended subsec. (c) identically, striking out at end "Such exceptions shall be annually reported to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

## EXPANSION OF MODEL FOREIGN LANGUAGE COMPETENCE POSTS

Pub. L. 101-246, title I, §161, Feb. 16, 1990, 104 Stat. 46, as amended by Pub. L. 101-302, title III, §320(b)(3), May 25, 1990, 104 Stat. 247; Pub. L. 105-277, div. G, subdiv. A, title XXII, §2219(a)(1), Oct. 21, 1998, 112 Stat. 2681-817; Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412, provided that:

"(a) DESIGNATION OF POSTS.—In order to carry out the purposes of section 702 of the Foreign Service Act of

1980 [22 U.S.C. 4022], and in light of the positive report issued on March 28, 1986, by the Department of State, as required by section 2207 of the Foreign Service Act of 1980 [22 U.S.C. 4171], the Secretary of State shall designate as model foreign language competence posts a minimum of six Foreign Service posts, representing the Department of State's five geographic bureaus, in countries where English is not the common language. Such designation shall be made not later than 120 days after the date of enactment of this Act [Feb. 16, 1990], and shall be implemented so that not later than October 1, 1991, in the case of non-hard language posts, and October 1, 1992, in the case of hard language posts, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the George P. Shultz National Foreign Affairs Training Center.

“(b) ‘HARD LANGUAGE COUNTRY’ POST TO BE DESIGNATED.—At least one of the posts designated under subsection (a) shall be in a ‘hard language’ country, as identified in the report to the Under Secretary of State for Management of May 12, 1986, entitled ‘Hard Language Proficiency in the Foreign Service’. Such post shall be in one of the countries where the official or principal language is Arabic, Chinese, Japanese, or Russian.

“(c) TERMINATION DATE.—The posts designated under subsection (a) shall continue as model foreign language posts at least until September 30, 1993, in the case of non-hard language posts, and September 30, 1994, in the case of hard language posts.

“(d) EXEMPTION AUTHORITY.—The Secretary of State may authorize exceptions to the requirements of this section if—

“(1) he determines that unanticipated exigencies so require; and

“(2) he immediately reports such exceptions to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(e) EXCLUDED POSTS.—The posts designated under subsection (a) may not include Dakar, Senegal, or Montevideo, Uruguay. The report required under subsection (c) shall include progress made in these posts in maintaining the high foreign language standards achieved under the initial pilot program.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

#### § 4172. Savings provisions

##### (a) Determinations, authorizations, etc., under authority of Foreign Service Act of 1946 and grievances, claims, or appeals filed and pending on effective date of this chapter

All determinations, authorizations, regulations, orders, agreements, exclusive recognition of an organization or other actions made, issued, undertaken, entered into, or taken under the authority of the Foreign Service Act of 1946 or any other law repealed, modified, or affected by this chapter shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any grievances, claims, or appeals which were filed or made under any such law and are pending resolution on February 15, 1981, shall continue to be governed by the provisions repealed, modified, or affected by this chapter.

##### (b) Increase in annuity or other right to benefits

This chapter shall not affect any increase in annuity or other right to benefits, which was

provided by any provision amended or repealed by this chapter, with respect to any individual who became entitled to such benefit prior to February 15, 1981.

##### (c) Cross references

References in law to provisions of the Foreign Service Act of 1946 or other law superseded by this chapter shall be deemed to include reference to the corresponding provisions of this chapter.

(Pub. L. 96-465, title II, §2401, Oct. 17, 1980, 94 Stat. 2168.)

#### REFERENCES IN TEXT

The Foreign Service Act of 1946, referred to in subsections (a) and (c), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which was classified principally to chapter 14 (§801 et seq.) of this title, and was repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, known as the Foreign Service Act of 1980, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

#### CODIFICATION

In subsections (a) and (b), “February 15, 1981” substituted for “the effective date of this Act” pursuant to section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

#### § 4173. Congressional oversight of implementation

##### (a), (b) Repealed. Pub. L. 100-204, title I, § 185(c)(2), Dec. 22, 1987, 101 Stat. 1366

##### (c) Consultation with agency representatives

The Secretary shall consult, in accordance with the procedures set out in section 4113(g) of this title, with the exclusive representative (if any) of members of the Foreign Service in each agency specified in section 4103(a) of this title with respect to steps to be taken in implementing this chapter and reported under section 4001(c)(4) of this title. To that end, each such exclusive representative will have timely access to all relevant information at each stage. Each such report shall include the views of each such exclusive representative on any and all aspects of the report and the information contained in such report.

(Pub. L. 96-465, title II, §2402, Oct. 17, 1980, 94 Stat. 2168; Pub. L. 100-204, title I, §185(c)(2), Dec. 22, 1987, 101 Stat. 1366.)

#### AMENDMENTS

1987—Subsecs. (a), (b). Pub. L. 100-204 struck out subsec. (a) which related to report by Secretary of State and its contents and subsec. (b) which related to annual supplemental report and its contents.

Subsec. (c). Pub. L. 100-204 substituted “under section 4001(c)(4) of this title” for “under this section”.

#### SUBCHAPTER XIV—POWERS, DUTIES AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

#### CODIFICATION

Subchapter was not enacted as a part of the Foreign Service Act of 1980 which comprises this chapter.