

cease. During such 120-day period, the individual may elect in writing to continue to participate in the Foreign Service Retirement and Disability System instead of the Civil Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is not made, the individual shall then be covered by the Civil Service Retirement and Disability System and contributions made by the participant to the Foreign Service Retirement and Disability Fund shall be transferred to the Civil Service Retirement and Disability Fund.

(2) Any Foreign Service Reserve officer with limited tenure who has reemployment rights to a personnel category in the Foreign Service in which he or she would be a participant in the Foreign Service Retirement and Disability System and who would, but for this paragraph, continue to participate in the Civil Service Retirement and Disability System by virtue of conversion under section 4154 of this title may elect, during the 120-day period beginning on the date of such conversion, to become a participant in the Foreign Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is made, the individual shall be transferred to the Foreign Service Retirement and Disability System and contributions made by that individual to the Civil Service Retirement and Disability Fund shall be transferred to the Foreign Service Retirement and Disability Fund.

**(c) Conversion to type of appointment corresponding in tenure to that prior to conversion**

Individuals who are converted under this subchapter shall be converted to the type of appointment which corresponds most closely in tenure to the type of appointment under which they were serving immediately prior to such conversion, except that this subchapter shall not operate to extend the duration of any limited appointment or previously applicable time in class.

**(d) Reappointment resulting from enactment of Foreign Service Act of 1980**

Any individual who on February 15, 1981, is serving—

(1) under an appointment in the Foreign Service, or

(2) in any other office or position continued by this chapter, may continue to serve under such appointment, subject to the provisions of this chapter, and need not be reappointed by virtue of the enactment of this chapter.

**(e) Deferral of retirement provisions**

Any individual in the Foreign Service—

(1) who is serving under a career appointment on October 17, 1980, and

(2) who was not subject to section 633(a)(2) of the Foreign Service Act of 1946 immediately before February 15, 1981,

may not be retired under section 4008 of this title until 10 years after February 15, 1981, or when such individual first becomes eligible for an immediate annuity under subchapter VIII of this chapter, whichever occurs first.

(Pub. L. 96-465, title II, §2106, Oct. 17, 1980, 94 Stat. 2151.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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.

Section 633(a)(2) of the Foreign Service Act of 1946, referred to in subsec. (e)(2), which was classified to section 1003(a)(2) of this title, was repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

CODIFICATION

In subsecs. (d) and (e), "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.

**§ 4157. Regulations**

Under the direction of the President, the Secretary shall prescribe regulations for the implementation of this subchapter.

(Pub. L. 96-465, title II, §2107, Oct. 17, 1980, 94 Stat. 2152.)

DELEGATION OF FUNCTIONS

Authority of President under this section to extent necessary to implement provisions of section 4151 of this title, relating to pay and benefits pending conversion, delegated to Secretary of State, see section 5 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13969, set out as a note under section 3901 of this title.

**§ 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