

PRIOR PROVISIONS

A prior section 3302 of Pub. L. 96-70, title III, Sept. 27, 1979, 93 Stat. 498, amended sections 305, 5102, 5316, 5342, 5343, 5348, 5373, 5504, 5533, 5541, 5583, 6301, 6323, 8146, and 8335 of Title 5, Government Organization and Employees, and sections 191, 195, and 196 of Title 50, War and National Defense, prior to general amendment by Pub. L. 104-201, div. C, title XXXV, §3547, Sept. 23, 1996, 110 Stat. 2868.

CHAPTER 52—FOREIGN SERVICE

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
3901. Congressional findings and objectives.
3902. Definitions.
3903. Members of Service.
3904. Functions of Service.
3905. Personnel actions.

SUBCHAPTER II—MANAGEMENT OF SERVICE

3921. Administration by Secretary of State.
3922. Utilization of Foreign Service personnel system by other agencies.
3922a. Representation of minorities and women in Foreign Service.
3922b. Public diplomacy training.
3923. Compatibility among agencies utilizing Foreign Service personnel system.
3924. Uniform and consolidated administration of Service.
3925. Compatibility between Foreign Service and other Government personnel systems.
3926. Regulations; delegation of functions.
3927. Chief of mission.
3927a. Review by chief of mission.
3928. Director General of Foreign Service.
3929. Inspector General.
3929a. Abolishment of Inspector General of Department of State and Foreign Service.
3930. Board of Foreign Service.
3931. Board of Examiners.

SUBCHAPTER III—APPOINTMENTS

3941. General provisions.
3942. Appointments by the President.
3943. Appointments by the Secretary.
3944. Chiefs of Mission.
3945. Senior Foreign Service.
3946. Career appointments.
3947. Entry levels for Foreign Service officer candidates.
3948. Recall and reappointment of career members.
3949. Limited appointments.
3950. Reemployment rights following limited appointment.
3951. United States citizens hired abroad.
3952. Diplomatic and consular missions.

SUBCHAPTER IV—COMPENSATION

3961. Salaries of chiefs of mission.
3962. Salaries of Senior Foreign Service members.
3963. Foreign Service Schedule.
3964. Assignments to salary class.
3965. Performance pay.
3966. Within-class salary increases.
3967. Salaries for Foreign Service personnel abroad who perform routine duties.
3968. Local compensation plans.
3969. Salaries of consular agents.
3970. Compensation for imprisoned foreign national employees.
3971. Temporary service as principal officer.
3972. Special differentials.
3973. Death gratuities.
3974. Border equalization pay adjustment.
3975. Group life insurance supplement applicable to those killed in terrorist attacks.
3976. Survivors' and dependents' educational assistance.

Sec.

SUBCHAPTER V—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

3981. Authority of Secretary.
3982. Assignments to Foreign Service positions.
3983. Assignments to non-Service and other positions.
3984. Service in United States and abroad.
3985. Temporary details.

SUBCHAPTER VI—PROMOTION AND RETENTION

4001. Promotions.
4002. Establishment of selection boards.
4003. Recommendations and rankings.
4004. Records.
4005. Implementation of selection board recommendations.
4006. Other bases for promoting or increasing pay.
4007. Retirement for expiration of time in class.
4008. Retirement based on failure to meet standard of performance.
4009. Retirement benefits.
4010. Separation for cause.
4010a. Reductions in force.
4011. Termination of limited appointments.
4012. Termination of appointments of consular agents and foreign national employees.
4012a. Foreign national employees separation pay.
4013. Foreign Service awards.

SUBCHAPTER VII—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

4021. Institution for training.
4022. Foreign language requirements.
4023. Career development program.
4024. Functions of Secretary.
4025. Training grants.
4026. Career counseling.
4027. Visiting Scholars Program.
4028. Training for Foreign Service officers.
4029. Increased training in multilateral diplomacy.

SUBCHAPTER VIII—FOREIGN SERVICE RETIREMENT AND DISABILITY

PART I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

4041. Administration.
4042. Maintenance of Fund.
4043. Participants.
4044. Definitions.
4045. Contributions to Fund.
4046. Computation of annuities.
4047. Payment of annuity.
4048. Retirement for disability or incapacity.
4049. Death in service.
4050. Discontinued service retirement.
4051. Voluntary retirement.
4052. Mandatory retirement.
4053. Reassignment and retirement of former Presidential appointees.
4054. Former spouses.
4055. Lump-sum payments.
4056. Creditable service.
4057. Extra credit for service at unhealthful posts.
4058. Estimate of appropriations needed.
4059. Investment of Fund.
4060. Assignment and attachment of moneys.
4061. Payments for future benefits.
4062. Unfunded liability obligations.
4063. Annuity adjustment for recall service.
4064. Reemployment.
4065. Voluntary contribution account.
4066. Cost-of-living adjustment of annuities.
4067. Compatibility between retirement systems.
4068. Remarriage.
4069. Thrift Savings Fund participation.
4069-1. Qualified former wives and husbands.
4069a. Retirement benefits for certain former spouses.

- Sec.
4069a-1. Retirement benefits for certain former spouses.
- 4069b. Survivor benefits for certain former spouses.
- 4069b-1. Survivor benefits for certain former spouses.
- 4069c. Health benefits for certain former spouses.
- 4069c-1. Health benefits for certain former spouses.

PART II—FOREIGN SERVICE PENSION SYSTEM

- 4071. Establishment; application of Federal Employees' Retirement System to Foreign Service Pension System participants.
- 4071a. Definitions.
- 4071b. Participants.
- 4071c. Creditable service.
- 4071d. Entitlement to annuity.
- 4071e. Deductions and withholdings from pay.
- 4071f. Government contributions.
- 4071g. Cost-of-living adjustments.
- 4071h. General and administrative provisions.
- 4071i. Transition provisions.
- 4071j. Former spouses.
- 4071k. Spousal agreements.

SUBCHAPTER IX—TRAVEL, LEAVE, AND OTHER BENEFITS

- 4081. Travel and related expenses.
- 4082. Loan of household effects.
- 4083. Required leave.
- 4084. Health care program.
- 4085. Entertainment and representation expenses.
- 4086. Entitlement to vote in a State in a Federal election; preconditions; applicability.

SUBCHAPTER X—LABOR-MANAGEMENT RELATIONS

- 4101. Congressional findings and policy.
- 4102. Definitions.
- 4103. Application.
- 4104. Employee rights.
- 4105. Management rights.
- 4106. Foreign Service Labor Relations Board.
- 4107. Functions of Foreign Service Labor Relations Board.
- 4108. Functions of General Counsel.
- 4109. Judicial review and enforcement.
- 4110. Foreign Service Impasse Disputes Panel.
- 4111. Exclusive recognition.
- 4112. Employees represented.
- 4113. Representation rights and duties.
- 4114. Resolution of implementation disputes.
- 4115. Unfair labor practices.
- 4116. Prevention of unfair labor practices.
- 4117. Standards of conduct for labor organizations.
- 4118. Administrative provisions.

SUBCHAPTER XI—GRIEVANCES

- 4131. Definitions and applicability.
- 4132. Grievances concerning former members or their survivors.
- 4133. Freedom of action.
- 4134. Time limitations.
- 4135. Foreign Service Grievance Board.
- 4136. Foreign Service Grievance Board procedures.
- 4137. Foreign Service Grievance Board decisions.
- 4138. Access to records.
- 4139. Relationship to other remedies.
- 4140. Judicial review.

SUBCHAPTER XI-A—FOREIGN SERVICE INTERNSHIP PROGRAM

- 4141. Statement of policy; objectives.
- 4141a. Foreign Service Internship Program.
- 4141b. Report to Congress.
- 4141c. Authorization of appropriations.

SUBCHAPTER XII—TRANSITION

- 4151. Pay and benefits pending conversion.
- 4152. Conversion to Foreign Service Schedule.
- 4153. Conversion to Senior Foreign Service.

- Sec.
4154. Conversion from Foreign Service.
- 4155. Conversion of certain positions in Department of Agriculture.
- 4156. Preservation of status and benefits.
- 4157. Regulations.
- 4158. Authority of other agencies.
- 4159. Survivor benefits for certain former spouses.

SUBCHAPTER XIII—MISCELLANEOUS

- 4171. Model foreign language competence posts.
- 4172. Savings provisions.
- 4173. Congressional oversight of implementation.

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

- 4191. General application of provisions to consular officers.
- 4192. Repealed.
- 4193. Protests.
- 4194. Lists and returns of seamen and vessels, etc.
- 4195. Repealed.
- 4196. Notification of death of decedent; transmission of inventory of effects.
- 4197. Following testamentary directions; assistance to testamentary appointee.
- 4198. Bond as administrator or guardian; action on bond.
- 4199. Penalty for failure to give bond and for embezzlement.
- 4200. Certification of invoices generally.
- 4201. Fees for certification of invoices.
- 4202. Exaction of excessive fees for verification of invoices; penalty.
- 4203. Destruction of old invoices.
- 4204. Restriction as to certificate for goods from countries adjacent to United States.
- 4205. Retention of papers of American vessels until payment of demands and wages.
- 4206. Fees for services to American vessels or seamen prohibited.
- 4207. Profits from dealings with discharged seamen; prohibition.
- 4208. Valuation of foreign coins in payment of fees.
- 4209. Exaction of excessive fees generally; penalty of treble amount.
- 4210. Liability for uncollected fees.
- 4211. Returns as to fees by officers compensated by fees.
- 4212 to 4214. Repealed.
- 4215. Notarial acts, oaths, affirmations, affidavits, and depositions; fees.
- 4216. Posting rates of fees.
- 4217. Embezzlement of fees or of effects of American citizens.
- 4218. False certificate as to ownership of property.
- 4219. Regulation of fees by President.
- 4220. Medium for payment of fees.
- 4221. Depositions and notarial acts; perjury.
- 4222. Authentication of documents of State of Vatican City by consular officer in Rome.
- 4223. General duty to account for fees.
- 4224. Fees; accounting; stamps.
- 4225. Fiscal districts; establishment; district accounting and disbursing offices; personnel; duties.
- 4226. Fees and official monies from diplomatic missions, consular offices and district accounting and disbursing offices; disposition.

CODIFICATION

Provisions of this chapter are derived from the Foreign Service Act of 1946, former section 801 et seq. of this title, and related and miscellaneous provisions as follows:

<i>New</i>	<i>Old</i>
3901	801

<i>New</i>	<i>Old</i>
3902	802
3903	861
3904	841
3905	807
3921	811a
3922	1224, 2385, 2506
3923	1225
3924	
3925	1225
3926	842, 843
3927	2680a
3928	811a, 821
3929	2384 note
3930	826
3931	827
3941	910, 922, 939, 1234
3942	901, 911, 961
3943	922, 929, 936, 946, 951
3944	900, 901a, 902
3945	906
3946	911, 929
3947	911, 912
3948	915
3949	922, 936
3950	928
3951	889 note, 2693
3952	907, 908, 924, 938, 1231
3961	866, 881
3962, 3963	
3964	868
3965	
3966	995, 1017
3967	
3968	889, 2693
3969	873, 890
3970	889
3971	876, 877
3972	896
3973	2679a
3981	886
3982	901
3983	961, 964, 966
3984	961, 962, 966
3985	
4001	991
4002	993
4003	986, 996
4004	987
4005, 4006	993
4007, 4008	1003, 2385, 2506
4009	1004, 2506
4010	1007
4011	1005, 1008
4012	1027, 1028, 1031
4013	
4021	1041
4022	968, 2385
4023	
4024	1042–1045, 1047, 1048
4025	1048
4026	1009, 2693
4041	1061
4042	1062
4043	929, 1063, 1229, 2385
4044	1064, 1086
4045	1071, 1086
4046	1076
4047	1076a
4048	1081
4049	1082
4050	1084
4051	1006
4052	1001, 1002
4053	914
4054	
4055	1086
4056	1091
4057	1093
4058	1101
4059	1103
4060	1004, 1104
4061	1105
4062	1106
4063	1111
4064	1112
4065	1116
4066	1121
4067	1065
4081	966, 1136, 1138, 1157
4082	1137
4083	1148
4084	1156, 1158–1160
4085	1131
4101–4118	
4131–4138	1037a
4139	1037b
4140	1037c
4151–4159	
4171–4173	
4191–4215	1171–1195
4216	1197
4217	1198
4218–4222	1200–1204
4223	99

<i>New</i>	<i>Old</i>
4224–4226	812–814

FOREIGN COMMERCIAL SERVICE

For authority of Secretary of Commerce to establish a Foreign Commercial Service in Department of Commerce, see section 1–104 of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 991, as amended, set out as a note under section 2171 of Title 19, Customs Duties.

SUBCHAPTER I—GENERAL PROVISIONS

§ 3901. Congressional findings and objectives

(a) The Congress finds that—

(1) a career foreign service, characterized by excellence and professionalism, is essential in the national interest to assist the President and the Secretary of State in conducting the foreign affairs of the United States;

(2) the scope and complexity of the foreign affairs of the Nation have heightened the need for a professional foreign service that will serve the foreign affairs interests of the United States in an integrated fashion and that can provide a resource of qualified personnel for the President, the Secretary of State, and the agencies concerned with foreign affairs;

(3) the Foreign Service of the United States, established under the Act of May 24, 1924 (commonly known as the Rogers Act) and continued by the Foreign Service Act of 1946, must be preserved, strengthened, and improved in order to carry out its mission effectively in response to the complex challenges of modern diplomacy and international relations;

(4) the members of the Foreign Service should be representative of the American people, aware of the principles and history of the United States and informed of current concerns and trends in American life, knowledgeable of the affairs, cultures, and languages of other countries, and available to serve in assignments throughout the world; and

(5) the Foreign Service should be operated on the basis of merit principles.

(b) The objective of this chapter is to strengthen and improve the Foreign Service of the United States by—

(1) assuring, in accordance with merit principles, admission through impartial and rigorous examination, acquisition of career status only by those who have demonstrated their fitness through successful completion of probationary assignments, effective career development, advancement and retention of the ablest, and separation of those who do not meet the requisite standards of performance;

(2) fostering the development and vigorous implementation of policies and procedures, including affirmative action programs, which will facilitate and encourage (A) entry into and advancement in the Foreign Service by persons from all segments of American society, and (B) equal opportunity and fair and equitable treatment for all without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition;

(3) providing for more efficient, economical, and equitable personnel administration