

(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 3903 of this title).

(c) Treatment as basic pay

An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5.

(d) Regulations

The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.

(Pub. L. 96-465, title I, §414, as added Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §333(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-439.)

§ 3975. Group life insurance supplement applicable to those killed in terrorist attacks

(a) Foreign Service employees

(1) In general

Notwithstanding the amounts specified in chapter 87 of title 5, a Foreign Service employee who dies as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 2656f(d) of this title, shall be eligible for a special payment of \$400,000, which shall be in addition to any employer provided life insurance policy coverage. In the case of an employee compensated under a local compensation plan established under section 3968 of this title, the amount of such payment shall be determined by regulations implemented by the Secretary of State and shall be no greater than \$400,000.

(2) Designation of beneficiary

A payment made under paragraph (1) shall be made in accordance with the guidance issued under section 3973(c) of this title.

(b) Other executive agencies

The head of an executive agency shall provide the additional payment authorized by this section, consistent with the provisions set forth in subsection (a), with respect to any employee of that agency or of an individual in a special category serving in an uncompensated capacity for that agency who dies as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 2656f(d) of this title, while subject to the authority of the chief of mission pursuant to section 3927 of this title.

(Pub. L. 96-465, title I, §415, as added Pub. L. 113-76, div. K, title VII, §7082(b)(1), Jan. 17, 2014, 128 Stat. 565; amended Pub. L. 114-113, div. K, title VII, §7034(d)(5)(A), Dec. 18, 2015, 129 Stat. 2763.)

REFERENCES IN TEXT

Section 2656f(d) of this title, referred to in subsecs. (a)(1) and (b), was in the original “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998

and 1999”, and was translated as meaning “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989”, to reflect the probable intent of Congress.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-113 substituted “a special payment of \$400,000, which shall be in addition to any employer provided life insurance policy coverage” for “a payment from the United States in an amount that, when added to the amount of the employee’s employer-provided group life insurance policy coverage (if any), equals \$400,000”.

EFFECTIVE DATE

Section applicable in the case of a Foreign Service or executive branch employee subject to the authority of the chief of mission pursuant to section 3927 of this title, serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries from an act of terrorism, as defined in section 2656f(d) of this title, see section 7082(c) of Pub. L. 113-76, set out as an Effective Date of 2014 Amendment note under section 3973 of this title.

APPLICABILITY

Pub. L. 114-113, div. K, title VII, §7034(d)(5)(B), Dec. 18, 2015, 129 Stat. 2763, provided that: “The insurance benefit under section 415 of the Foreign Service Act of 1980 (22 U.S.C. 3975), as amended by subparagraph (A), shall be applicable to eligible employees who die as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), anytime on or after April 18, 1983.”

§ 3976. Survivors’ and dependents’ educational assistance

(a) Foreign Service employees

The Secretary shall, pursuant to guidance issued under section 3973(c) of this title, provide educational assistance to a beneficiary of any United States national Foreign Service employee who dies while on duty abroad as a result of an act of terrorism, as defined in section 2656f(d) of this title, to meet, in whole or in part, the expenses incurred by the beneficiary in pursuing a program of education at an educational institution, including subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) Other executive agencies

The head of an executive agency shall, pursuant to guidance issued under section 3973(c) of this title provide educational assistance authorized by this section to a beneficiary of any employee of that agency who dies as a result of an act of terrorism or terrorism, as defined in section 2656f(d) of this title, while on duty abroad and subject to the authority of the chief of mission pursuant to section 3927 of this title.

(c) Amount of assistance

Educational assistance under this section may be made available up to the amounts provided for in section 3532 of title 38, as adjusted by section 3564 of title 38, and for an aggregate period not in excess of 48 months.

(d) Program of education and educational institution defined

For purposes of this section, the terms “program of education” and “educational institu-

tion” have the meanings given the terms in section 3501 of title 38.

(Pub. L. 96-465, title I, §416, as added Pub. L. 113-76, div. K, title VII, §7082(b)(1), Jan. 17, 2014, 128 Stat. 566.)

REFERENCES IN TEXT

Section 2656f(d) of this title, referred to in subsecs. (a) and (b), was in the original “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999”, and was translated as meaning “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989”, to reflect the probable intent of Congress.

EFFECTIVE DATE

Section applicable in the case of a Foreign Service or executive branch employee subject to the authority of the chief of mission pursuant to section 3927 of this title, serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries from an act of terrorism, as defined in section 2656f(d) of this title, see section 7082(c) of Pub. L. 113-76, set out as an Effective Date of 2014 Amendment note under section 3973 of this title.

SUBCHAPTER V—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

§ 3981. Authority of Secretary

The Secretary shall designate and classify positions in the Department and at Foreign Service posts which are to be occupied by members of the Service (other than by chiefs of mission and ambassadors at large). Positions designated under this section are excepted from the competitive service. Position classifications under this section shall be established, without regard to chapter 51 of title 5, in relation to the salaries established under subchapter IV. In classifying positions at Foreign Service posts abroad, the Secretary shall give appropriate weight to job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations.

(Pub. L. 96-465, title I, §501, Oct. 17, 1980, 94 Stat. 2092.)

§ 3982. Assignments to Foreign Service positions

(a) Positions assignable; basis for assignment

(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 3981 of this title in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to or prohibited from being assigned to a position at a post in a particular geographic area on the basis of the race, ethnicity, or religion of that member.

(b) Filling of positions by members of Service; employment of members of State Department and other agencies

Positions designated as Foreign Service positions normally shall be filled by the assignment

of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

(c) Charge d'affaires

The President may assign a career member of the Service to serve as charge d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is designated under section 3902(a)(3)¹ of this title by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

(d) Competitive ability with respect to chief of mission positions and for assignments outside areas of specialization

The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

(Pub. L. 96-465, title I, §502, Oct. 17, 1980, 94 Stat. 2093; Pub. L. 98-164, title I, §130(b), Nov. 22, 1983, 97 Stat. 1027; Pub. L. 114-323, title IV, §414(d), Dec. 16, 2016, 130 Stat. 1933.)

REFERENCES IN TEXT

Section 3902(a)(3) of this title, referred to in subsec. (c), was redesignated section 3902(3) of this title pursuant to Pub. L. 98-164, which struck out the designation “(a)” and subsec. (b) of section 3902.

AMENDMENTS

2016—Subsec. (a)(2). Pub. L. 114-323 inserted “or prohibited from being assigned to” after “assigned to” and struck out “exclusively” before “on the basis”.

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

DELEGATION OF FUNCTIONS

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

REPORT RESPECTING POLICIES AND PROCEDURES ADOPTED TO IMPROVE COMPETITIVE ABILITY OF PERSONNEL

Pub. L. 98-164, title I, §130(c), Nov. 22, 1983, 97 Stat. 1028, directed Secretary of State, not later than one year after Nov. 22, 1983, to submit a report to Speaker of House of Representatives and chairman of Committee on Foreign Relations of Senate describing policies and procedures adopted pursuant to the amendment made by section 130(b) of Pub. L. 98-164, adding subsec. (d) of this section, prior to repeal by Pub. L. 103-236, title I, §139(10), Apr. 30, 1994, 108 Stat. 398.

§ 3983. Assignments to non-Service and other positions

(a) Positions assignable

The Secretary may (with the concurrence of the agency, organization, or other body con-

¹ See References in Text note below.