

and in third sentence struck out “foreign national” before “employees” wherever appearing.

Pub. L. 103-236, §180(a)(4)(A), inserted first sentence and struck out former first sentence which read as follows: “The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service, United States citizens employed in the Service abroad who were hired while residing abroad, and for United States citizens employed in the Service abroad who are family members of Government employees.”

1991—Subsec. (a)(1). Pub. L. 102-138, §152(a), inserted “United States citizens employed in the Service abroad who were hired while residing abroad,” after “employees of the Service,” and “to United States citizens employed in the Service abroad who were hired while residing abroad and” after “payment of wages”.

Pub. L. 102-138, §148, added cl. (B) and redesignated former cl. (B) as (C).

Subsec. (b). Pub. L. 102-138, §152(b), inserted “, are United States citizens employed in the Service abroad who were hired while residing abroad,” after “foreign nationals”.

1990—Subsec. (a)(3). Pub. L. 101-246 added par. (3).

1983—Subsec. (a)(1). Pub. L. 98-164 designated existing provisions as cl. (A) and added cl. (B).

#### DATE OF TRANSFER FROM CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Pub. L. 101-246, title I, §141(c), Feb. 16, 1990, 104 Stat. 35, provided that: “The transfer of an employee’s interest in the Civil Service Retirement and Disability Fund shall occur after October 1, 1990.”

#### FOREIGN NATIONAL PAY PLANS

Pub. L. 96-60, title I, §107(a), Aug. 15, 1979, 93 Stat. 397, provided that: “It is the sense of the Congress that the Secretary of State should—

“(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

“(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

“(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

“(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

“(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

“(B) include the cost of severance in making pay adjustments, and

“(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

“(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.”

### § 3968a. Locally-employed staff wages

#### (a) Market-responsive staff wages

Not later than 180 days after December 16, 2016, and periodically thereafter, the Secretary shall establish and implement a prevailing wage rates goal for positions in the local compensation plan, as described in section 3968 of this title, at each diplomatic post that—

(1) is based on the specific recruiting and retention needs of each such post and local labor

market conditions, as determined annually; and

(2) is not less than the 50th percentile of the prevailing wage for comparable employment in the labor market surrounding each such post.

#### (b) Exception

The prevailing wage rate goal established under subsection (a) shall not apply if compliance with such subsection would be inconsistent with applicable United States law, the law in the locality of employment, or the public interest.

#### (c) Recordkeeping requirement

The analytical assumptions underlying the calculation of wage levels at each diplomatic post under subsection (a), and the data upon which such calculation is based—

(1) shall be filed electronically and retained for not less than 5 years; and

(2) shall be made available to the appropriate congressional committees upon request.

(Pub. L. 114-323, title IV, §401, Dec. 16, 2016, 130 Stat. 1926.)

#### CODIFICATION

Section was enacted as part of the Department of State Authorities Act, Fiscal Year 2017, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

#### DEFINITIONS

For definitions of “Secretary” and “appropriate congressional committees” as used in this section, see section 2 of Pub. L. 114-323, set out as a note under section 2651 of this title.

### § 3969. Salaries of consular agents

The Secretary of State shall establish the salary rate for each consular agent. Such salary rate shall be established after taking into account the workload of the consular agency and the prevailing wage rates in the locality where the agency is located, except that, in the case of a consular agent who is a citizen of the United States, the salary rate may not be less than the then applicable minimum wage rate specified in section 206(a)(1) of title 29.

(Pub. L. 96-465, title I, §409, Oct. 17, 1980, 94 Stat. 2091.)

### § 3970. Compensation for imprisoned foreign national employees

#### (a) Eligibility; rates of compensation; terms and conditions of payment; applicability of powers under other statutory provisions

The head of any agency or other Government establishment (including any in the legislative or judicial branch) may compensate any current or former foreign national employee, or any foreign national who is or was employed under a personal services contract, who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of a foreign national employed by the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the employment of the foreign national by the United States. Such compensation may not