

Editorial Notes

AMENDMENTS

2005—Subsec. (g). Pub. L. 109-140 added subsec. (g).

2002—Subsec. (b). Pub. L. 107-228 substituted “families, (3) health education and disease prevention programs for all employees, and (4)” for “families, and (3)”.

1988—Subsec. (b). Pub. L. 100-238 inserted “or Foreign Service Pension System” after “System”.

1985—Subsec. (a). Pub. L. 99-93, §122(1), substituted “shall” for “may”.

Subsec. (b). Pub. L. 99-93, §122(2), inserted “, and other preventive and remedial care and services as necessary,”.

Subsec. (d). Pub. L. 99-93, §122(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “If an individual eligible for health care under this section incurs an illness, injury, or medical condition while abroad which requires hospitalization or similar treatment, the Secretary may pay all or part of the cost of such treatment. Limitations on such payments established by regulation may be waived whenever the Secretary determines that the illness, injury, or medical condition clearly was caused or materially aggravated by the fact that the individual concerned is or has been located abroad.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-238 effective 90 days after Jan. 8, 1988, see section 261(a) of Pub. L. 100-238, set out as a note under section 4054 of this title.

CORONAVIRUS PANDEMIC RESPONSE

Pub. L. 116-136, div. B, title XI, §21010, Mar. 27, 2020, 134 Stat. 592, provided that: “The Department of State and the United States Agency for International Development are authorized to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations and including pursuant to section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for, and respond to coronavirus, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That not later than 15 days after utilizing this authority, the Secretary of State shall provide a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives on the overall staffing needs for the Office of Medical Services: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2022.”

[For definition of “coronavirus” as used in section 21010 of Pub. L. 116-136, set out above, see section 23005 of Pub. L. 116-136, set out as a note under section 162b of Title 2, The Congress.]

§ 4085. Entertainment and representation expenses

Notwithstanding section 5536 of title 5, the Secretary may provide for official receptions and may pay entertainment and representational expenses (including expenses of family members) to enable the Department and the Service to provide for the proper representation of the United States and its interests. In car-

rying out this section, the Secretary shall, to the maximum extent practicable, provide for the use of United States products, including American wine.

(Pub. L. 96-465, title I, §905, Oct. 17, 1980, 94 Stat. 2128.)

§ 4086. Entitlement to vote in a State in a Federal election; preconditions; applicability

(a) Except as provided in subsection (b) and in such manner as shall be otherwise authorized by a State or other jurisdiction within the territory of the United States, a member of the Service residing outside the United States shall, in addition to any entitlement to vote in a State in a Federal election under section 3 of the Overseas Citizens Voting Rights Act (42 U.S.C. 1973dd-1), be entitled to vote in a Federal election in the State in which such member was last domiciled immediately before entering the Service if such member—

(1) makes an election of that State;

(2) notifies that State of such election and notifies any other States in which he or she is entitled to vote of such election; and

(3) otherwise meets the requirements of such Act [42 U.S.C. 1973dd et seq.].

(b) The provisions of subsection (a) shall apply only to an individual who becomes a member of the Service on or after November 22, 1983, and shall not apply to an individual who registers to vote in a State in which he is entitled to vote under section 3 of Overseas Citizens Voting Rights Act [42 U.S.C. 1973dd-1].

(Pub. L. 96-465, title I, §906, as added Pub. L. 98-164, title I, §129(a), Nov. 22, 1983, 97 Stat. 1027.)

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REFERENCES IN TEXT

The Overseas Citizens Voting Rights Act, referred to in text, probably means the Overseas Citizens Voting Rights Act of 1975, Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1142, which was classified generally to subchapter I-E (§1973dd et seq.) of chapter 20 of Title 42, The Public Health and Welfare, and which was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

SUBCHAPTER X—LABOR-MANAGEMENT RELATIONS**§ 4101. Congressional findings and policy**

The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of workers to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest,

(B) contributes to the effective conduct of public business, and

(C) facilitates and encourages the amicable settlement of disputes between workers and their employers involving conditions of employment;

(2) the public interest demands the highest standards of performance by members of the Service and the continuous development and implementation of modern and progressive

work practices to facilitate improved performance and efficiency; and

(3) the unique conditions of Foreign Service employment require a distinct framework for the development and implementation of modern, constructive, and cooperative relationships between management officials and organizations representing members of the Service.

Therefore, labor organizations and collective bargaining in the Service are in the public interest and are consistent with the requirement of an effective and efficient Government. The provisions of this subchapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.

(Pub. L. 96-465, title I, §1001, Oct. 17, 1980, 94 Stat. 2128.)

§ 4102. Definitions

As used in this subchapter, the term—

(1) “Authority” means the Federal Labor Relations Authority, described in section 7104(a) of title 5;

(2) “Board” means the Foreign Service Labor Relations Board, established by section 4106(a) of this title;

(3) “collective bargaining” means the performance of the mutual obligation of the management representative of the Department and of the exclusive representative of employees to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting employees, and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but this obligation does not compel either party to agree to a proposal or to make a concession;

(4) “collective bargaining agreement” means an agreement entered into as a result of collective bargaining under the provisions of this subchapter;

(5) “conditions of employment” means personnel policies, practices, and matters, whether established by regulation or otherwise, affecting working conditions, but does not include policies, practices, and matters—

(A) relating to political activities prohibited abroad or prohibited under subchapter III of chapter 73 of title 5;

(B) relating to the designation or classification of any position under section 3981 of this title;

(C) to the extent such matters are specifically provided for by Federal statute; or

(D) relating to Government-wide or multi-agency responsibility of the Secretary affecting the rights, benefits, or obligations of individuals employed in agencies other than those which are authorized to utilize the Foreign Service personnel system;

(6) “confidential employee” means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations;

(7) “dues” means dues, fees, and assessments;

(8) “employee” means—

(A) a member of the Service who is a citizen of the United States, wherever serving, other than a management official, a confidential employee, a consular agent, a member of the Service who is a United States citizen (other than a family member) employed under section 3951 of this title, or any individual who participates in a strike in violation of section 7311 of title 5; or

(B) a former member of the Service as described in subparagraph (A) whose employment has ceased because of an unfair labor practice under section 4115 of this title and who has not obtained any other regular and substantially equivalent employment, as determined under regulations prescribed by the Board;

(9) “exclusive representative” means any labor organization which is certified as the exclusive representative of employees under section 4111 of this title;

(10) “General Counsel” means the General Counsel of the Authority;

(11) “labor organization” means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose dealing with the Department concerning grievances (as defined in section 4131 of this title) and conditions of employment, but does not include—

(A) an organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;

(B) an organization which advocates the overthrow of the constitutional form of government of the United States;

(C) an organization sponsored by the Department; or

(D) an organization which participates in the conduct of a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike;

(12) “management official” means an individual who—

(A) is a chief of mission or principal officer;

(B) is serving in a position to which appointed by the President, by and with the advice and consent of the Senate, or by the President alone;

(C) occupies a position which in the sole judgment of the Secretary is of comparable importance to the offices mentioned in subparagraph (A) or (B);

(D) is serving as a deputy to any individual described by subparagraph (A), (B), or (C);

(E) is assigned to carry out functions of the Inspector General of the Department of State and the Foreign Service under section 3929 of this title; or

(F) is engaged in the administration of this subchapter or in the formulation of the personnel policies and programs of the Department;