

§ 4172. Savings provisions

(a) Determinations, authorizations, etc., under authority of Foreign Service Act of 1946 and grievances, claims, or appeals filed and pending on effective date of this chapter

All determinations, authorizations, regulations, orders, agreements, exclusive recognition of an organization or other actions made, issued, undertaken, entered into, or taken under the authority of the Foreign Service Act of 1946 or any other law repealed, modified, or affected by this chapter shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any grievances, claims, or appeals which were filed or made under any such law and are pending resolution on February 15, 1981, shall continue to be governed by the provisions repealed, modified, or affected by this chapter.

(b) Increase in annuity or other right to benefits

This chapter shall not affect any increase in annuity or other right to benefits, which was provided by any provision amended or repealed by this chapter, with respect to any individual who became entitled to such benefit prior to February 15, 1981.

(c) Cross references

References in law to provisions of the Foreign Service Act of 1946 or other law superseded by this chapter shall be deemed to include reference to the corresponding provisions of this chapter.

(Pub. L. 96-465, title II, § 2401, Oct. 17, 1980, 94 Stat. 2168.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Service Act of 1946, referred to in subsecs. (a) and (c), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which was classified principally to chapter 14 (§801 et seq.) of this title, and was repealed by Pub. L. 96-465, title II, § 2205(1), Oct. 17, 1980, 94 Stat. 2159.

This chapter, referred to in text, 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.

CODIFICATION

In subsecs. (a) and (b), “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.

§ 4173. Congressional oversight of implementation

(a), (b) Repealed. Pub. L. 100-204, title I, § 185(c)(2), Dec. 22, 1987, 101 Stat. 1366

(c) Consultation with agency representatives

The Secretary shall consult, in accordance with the procedures set out in section 4113(g) of this title, with the exclusive representative (if any) of members of the Foreign Service in each agency specified in section 4103(a) of this title with respect to steps to be taken in imple-

menting this chapter and reported under section 4001(c)(4)¹ of this title. To that end, each such exclusive representative will have timely access to all relevant information at each stage. Each such report shall include the views of each such exclusive representative on any and all aspects of the report and the information contained in such report.

(Pub. L. 96-465, title II, § 2402, Oct. 17, 1980, 94 Stat. 2168; Pub. L. 100-204, title I, § 185(c)(2), Dec. 22, 1987, 101 Stat. 1366.)

Editorial Notes

REFERENCES IN TEXT

Section 4001(c)(4) of this title, referred to in subsec. (c), was repealed by Pub. L. 114-323, title VII, § 715(b)(5), Dec. 16, 2016, 130 Stat. 1946.

AMENDMENTS

1987—Subsecs. (a), (b). Pub. L. 100-204 struck out subsec. (a) which related to report by Secretary of State and its contents and subsec. (b) which related to annual supplemental report and its contents.

Subsec. (c). Pub. L. 100-204 substituted “under section 4001(c)(4) of this title” for “under this section”.

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

Editorial Notes

CODIFICATION

Subchapter was not enacted as a part of the Foreign Service Act of 1980 which comprises this chapter.

§ 4191. General application of provisions to consular officers

The various provisions of title 18 of the Revised Statutes which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe, so far as may be consistent with the subject matter of the same and with the treaties of the United States.

(R.S. §1689; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2222(b), Oct. 21, 1998, 112 Stat. 2681-818.)

Editorial Notes

REFERENCES IN TEXT

Title 18 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 18 of the Revised Statutes, consisting of R.S. §§1674 to 1752, and insofar as classified to the Code, is classified to sections 4191, 4193 to 4197, 4200, 4202, 4204, 4205, 4207 to 4214, and 4216 to 4221 of this title. For complete classification of R.S. §§1674 to 1752 to the Code, see Tables.

CODIFICATION

R.S. §1689 derived from act Aug. 18, 1856, ch. 127, §31, 11 Stat. 64.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

¹ See References in Text note below.

Section was formerly classified to section 1171 of this title, and prior thereto to section 53 of this title.

AMENDMENTS

1998—Pub. L. 105-277 inserted “and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe” after “such officers”.

§ 4192. Repealed. Pub. L. 101-246, title I, § 123, Feb. 16, 1990, 104 Stat. 27

Section, R.S. §4082, related to solemnization of marriages by consular officers of the United States in a foreign country.

Editorial Notes

CODIFICATION

Pub. L. 101-246, §123, which directed the repeal of section 31 of the Act of June 22, 1860 (12 Stat. 79; 22 U.S.C. 4192), was executed as though repealing section 4082 of the Revised Statutes, which is classified to this section, to reflect the probable intent of Congress. Section 31 of the Act of June 22, 1860, was restated in section 4082 of the Revised Statutes and repealed by section 5596 of the Revised Statutes.

§ 4193. Protests

Consuls and vice consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States.

(R.S. §1707; June 25, 1948, ch. 646, §39, 62 Stat. 992.)

Editorial Notes

CODIFICATION

R.S. §1707 derived from act Apr. 14, 1792, ch. 24, §2, 1 Stat. 255.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1173 of this title, and prior thereto to section 73 of this title.

AMENDMENTS

1948—Act June 25, 1948, repealed second sentence relating to authenticated copies of consular acts received as evidence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1948 AMENDMENT

Act June 25, 1948, ch. 646, §38, 62 Stat. 992, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 4194. Lists and returns of seamen and vessels, etc.

Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their reg-

istered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of Commerce.

(R.S. §1708; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736.)

Editorial Notes

CODIFICATION

R.S. §1708 derived from act Aug. 18, 1856, ch. 127, §27, 11 Stat. 62.

Act Feb. 14, 1903, substituted “Secretary of Commerce and Labor” for “Secretary of the Treasury”. Act Mar. 4, 1913, substituted “Secretary of Commerce” for “Secretary of Commerce and Labor”.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1174 of this title, and prior thereto to section 74 of this title.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Coast Guard transferred to Department of Transportation and functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 931. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in former section 3 (now 103) of Title 14. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Executive Documents

TRANSFER OF FUNCTIONS

Certain shipping and navigation functions of Secretary of Commerce transferred to Commandant of Coast Guard and Commissioner of Customs by Reorg. Plan No. 3 of 1946, §§101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, 1098 set out in the Appendix to Title 5, Government Organization and Employees.

Functions of all officers of Department of the Treasury [which included Commandant of Coast Guard and Commissioner of Customs], and functions of all agencies and employees of Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5. Coast Guard was generally a service in Department of the Treasury but such Plan excepted, from transfer, functions of Coast Guard, and of Commandant thereof, when Coast Guard was operating as a part of Navy under former section 3 (now 103) of Title 14, Coast Guard.