

tem and who would, but for this paragraph, continue to participate in the Civil Service Retirement and Disability System by virtue of conversion under section 4154 of this title may elect, during the 120-day period beginning on the date of such conversion, to become a participant in the Foreign Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is made, the individual shall be transferred to the Foreign Service Retirement and Disability System and contributions made by that individual to the Civil Service Retirement and Disability Fund shall be transferred to the Foreign Service Retirement and Disability Fund.

(c) Conversion to type of appointment corresponding in tenure to that prior to conversion

Individuals who are converted under this subchapter shall be converted to the type of appointment which corresponds most closely in tenure to the type of appointment under which they were serving immediately prior to such conversion, except that this subchapter shall not operate to extend the duration of any limited appointment or previously applicable time in class.

(d) Reappointment resulting from enactment of Foreign Service Act of 1980

Any individual who on February 15, 1981, is serving—

- (1) under an appointment in the Foreign Service, or
- (2) in any other office or position continued by this chapter, may continue to serve under such appointment, subject to the provisions of this chapter, and need not be reappointed by virtue of the enactment of this chapter.

(e) Deferment of retirement provisions

Any individual in the Foreign Service—

- (1) who is serving under a career appointment on October 17, 1980, and
- (2) who was not subject to section 633(a)(2) of the Foreign Service Act of 1946 immediately before February 15, 1981,

may not be retired under section 4008 of this title until 10 years after February 15, 1981, or when such individual first becomes eligible for an immediate annuity under subchapter VIII of this chapter, whichever occurs first.

(Pub. L. 96-465, title II, §2106, Oct. 17, 1980, 94 Stat. 2151.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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.

Section 633(a)(2) of the Foreign Service Act of 1946, referred to in subsec. (e)(2), which was classified to section 1003(a)(2) of this title, was repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

CODIFICATION

In subsecs. (d) and (e), "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.

§ 4157. Regulations

Under the direction of the President, the Secretary shall prescribe regulations for the implementation of this subchapter.

(Pub. L. 96-465, title II, §2107, Oct. 17, 1980, 94 Stat. 2152.)

Executive Documents

DELEGATION OF FUNCTIONS

Authority of President under this section to extent necessary to implement provisions of section 4151 of this title, relating to pay and benefits pending conversion, delegated to Secretary of State, see section 5 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13969, set out as a note under section 3901 of this title.

§ 4158. Authority of other agencies

The heads of agencies other than the Department of State which utilize the Foreign Service personnel system shall perform functions under this subchapter in accordance with regulations prescribed by the Secretary of State under section 4157 of this title. Such agency heads shall consult with the Secretary of State in the exercise of such functions.

(Pub. L. 96-465, title II, §2108, Oct. 17, 1980, 94 Stat. 2152.)

§ 4159. Survivor benefits for certain former spouses

(a) Eligible participants; election of benefits

Any participant or former participant in the Foreign Service Retirement and Disability System who on February 15, 1981, has a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 4054(b) of this title.

(b) Time of election

(1) If the participant or former participant has not retired under such system on or before February 15, 1981, an election under this section may be made at any time before retirement.

(2) If the participant or former participant has retired under such system on or before February 15, 1981, an election under this section may be made within such period after February 15, 1981, as the Secretary of State may prescribe.

(3) For purposes of applying subchapter VIII of this chapter, any such election shall be treated the same as if it were a spousal agreement under section 4060(b)(1) of this title.

(c) Portion of annuity as basis for benefits

An election under this section may provide for a survivor benefit based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the participant. The participant and his or her spouse may make an election under section 4046(b)(1)(B) of this title prior to the time of retirement for the purpose of allowing an election to be made under this section.

(d) Amount of reduction; effective date

The amount of the reduction in the participant's annuity shall be determined in accord-

ance with section 4046(b)(2) of this title. Such reduction shall be effective as of—

- (1) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1), or
- (2) February 15, 1981, in the case of an election under subsection (b)(2).

(e) Definitions

For purposes of this section, the terms “former spouse”, “participant”, and “spousal agreement” have the meanings given such terms in sections 4043 and 4044 of this title.

(Pub. L. 96-465, title II, §2109, Oct. 17, 1980, 94 Stat. 2152.)

SUBCHAPTER XIII—MISCELLANEOUS

§ 4171. Model foreign language competence posts

(a) Designation of posts; time of designation and implementation; determination of competency standards

In order to carry out the purposes of section 4022 of this title and to help ascertain the relationship between foreign language competence and the effectiveness of representation of the United States abroad, the Secretary of State shall designate as model foreign language competence posts at least two Foreign Service posts in countries where English is not the common language. Such designation shall be made no later than October 1, 1981, and shall be implemented so that no later than October 1, 1983, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the George P. Shultz National Foreign Affairs Training Center.

(b) Continuation; report to Congress concerning operation of posts and advantages of meeting competency requirements

The posts designated under subsection (a) shall continue as model foreign language competence posts at least until September 30, 1985. The Secretary of State shall submit no later than January 31, 1986, a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the operation of such posts and the costs, advantages and disadvantages associated with meeting the foreign language competence requirements of this section.

(c) Exceptions; report to Congress

The Secretary of State may authorize exceptions to the requirements of this section if he determines that unanticipated exigencies so require.

(Pub. L. 96-465, title II, §2207, Oct. 17, 1980, 94 Stat. 2163; Pub. L. 103-236, title I, §139(7), (25), Apr. 30, 1994, 108 Stat. 398, 399; Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412.)

Editorial Notes

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-132 substituted “George P. Shultz National Foreign Affairs Training Center” for “Foreign Service Institute”.

1994—Subsec. (c). Pub. L. 103-236, §139(7), (25), amended subsec. (c) identically, striking out at end “Such exceptions shall be annually reported to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.”

Statutory Notes and Related Subsidiaries

EXPANSION OF MODEL FOREIGN LANGUAGE COMPETENCE POSTS

Pub. L. 101-246, title I, §161, Feb. 16, 1990, 104 Stat. 46, as amended by Pub. L. 101-302, title III, §320(b)(3), May 25, 1990, 104 Stat. 247; Pub. L. 105-277, div. G, subdiv. A, title XXII, §2219(a)(1), Oct. 21, 1998, 112 Stat. 2681-817; Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412, provided that:

“(a) DESIGNATION OF POSTS.—In order to carry out the purposes of section 702 of the Foreign Service Act of 1980 [22 U.S.C. 4022], and in light of the positive report issued on March 28, 1986, by the Department of State, as required by section 2207 of the Foreign Service Act of 1980 [22 U.S.C. 4171], the Secretary of State shall designate as model foreign language competence posts a minimum of six Foreign Service posts, representing the Department of State's five geographic bureaus, in countries where English is not the common language. Such designation shall be made not later than 120 days after the date of enactment of this Act [Feb. 16, 1990], and shall be implemented so that not later than October 1, 1991, in the case of non-hard language posts, and October 1, 1992, in the case of hard language posts, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the George P. Shultz National Foreign Affairs Training Center.

“(b) ‘HARD LANGUAGE COUNTRY’ POST TO BE DESIGNATED.—At least one of the posts designated under subsection (a) shall be in a ‘hard language’ country, as identified in the report to the Under Secretary of State for Management of May 12, 1986, entitled ‘Hard Language Proficiency in the Foreign Service’. Such post shall be in one of the countries where the official or principal language is Arabic, Chinese, Japanese, or Russian.

“(c) TERMINATION DATE.—The posts designated under subsection (a) shall continue as model foreign language posts at least until September 30, 1993, in the case of non-hard language posts, and September 30, 1994, in the case of hard language posts.

“(d) EXEMPTION AUTHORITY.—The Secretary of State may authorize exceptions to the requirements of this section if—

“(1) he determines that unanticipated exigencies so require; and

“(2) he immediately reports such exceptions to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(e) EXCLUDED POSTS.—The posts designated under subsection (a) may not include Dakar, Senegal, or Montevideo, Uruguay. The report required under subsection (c) shall include progress made in these posts in maintaining the high foreign language standards achieved under the initial pilot program.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”