

(3) In selecting interns, the Secretary shall consider only the ablest students of superior ability selected on the basis of demonstrated achievement and exceptional promise whose academic records reflect the requisite standards of performance necessary for the Foreign Service.

(d) Summer internships

(1) The primary focus of the first internship shall be the study of international relations, the functions of the Department of State and other agencies which utilize the Foreign Service system, and the nature of the Foreign Service. The internship shall be held in Washington, District of Columbia, at the Department of State. As appropriate, the Secretary shall utilize the personnel and facilities of the George P. Shultz National Foreign Affairs Training Center.

(2) The second internship shall be, principally, an assignment to a specific bureau of the Department of State. Emphasis shall be on providing insight into the economic and political functional areas.

(3) The third internship shall be an assignment to a United States mission abroad in the political or economic area.

(4) The first and second internships may include a detail to the Congress.

(e) Administration

The Secretary of State shall determine the academic requirements, other selection criteria, and standards for successful completion of each internship period. The Secretary shall be responsible for the design, implementation, and operation of the program.

(f) Mentors

Each intern shall be assigned a career Foreign Service officer as a mentor. The mentor shall act as a counselor and advisor throughout each summer internship and as a personal Foreign Service contact throughout the period of participation in the program. In the assignment of mentors, the Secretary shall give preference to Foreign Service officers who volunteer for such assignment and who may be role models for the interns.

(g) Compensation

Interns shall be compensated at a rate determined by the Secretary which shall not be less than the compensation of comparable summer interns at the Department of State. As determined by the Secretary, for the purposes of travel, housing, health insurance, and other appropriate benefits, interns shall be considered employees of the Foreign Service during each internship period.

(h) Study of Foreign Service examination

The Secretary of State shall study the feasibility of administering the Foreign Service examination in separate segments over several years. Not later than 180 days after February 16, 1990, the Secretary shall submit a report summarizing the findings of such a study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 96-465, title I, §1202, as added Pub. L. 101-246, title I, §149(b), Feb. 16, 1990, 104 Stat. 40;

amended Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412.)

CODIFICATION

February 16, 1990, referred to in subsec. (h), was in the original "the date of the enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 101-246, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2002—Subsec. (d)(1). Pub. L. 107-132 substituted "George P. Shultz National Foreign Affairs Training Center" for "Foreign Service Institute".

§ 4141b. Report to Congress

Together with the annual submission required under section 3905(d)(2)¹ of this title, the Secretary of State shall submit a report to the Congress concerning the implementation of the program established under this subchapter. Such report accompanied by such other information as the Secretary considers appropriate, shall include specific information concerning the completion rates of interns in the program, interns who took the Foreign Service examination, interns who passed the examination, former interns appointed to the Foreign Service, assignments of former interns, and the advancement of former interns through the Foreign Service System.²

(Pub. L. 96-465, title I, §1203, as added Pub. L. 101-246, title I, §149(b), Feb. 16, 1990, 104 Stat. 41.)

REFERENCES IN TEXT

Section 3905(d)(2) of this title, referred to in text, was omitted from the Code.

§ 4141c. Authorization of appropriations

Of the amounts authorized to be appropriated by section 101(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, \$100,000 for the fiscal year 1990 and \$150,000 for the fiscal year 1991 shall be available only to carry out this subchapter. Sums appropriated for the purposes of this subchapter are authorized to remain available until expended.

(Pub. L. 96-465, title I, §1204, as added Pub. L. 101-246, title I, §149(b), Feb. 16, 1990, 104 Stat. 41.)

REFERENCES IN TEXT

Section 101(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, referred to in text, is section 101(a)(1) of Pub. L. 101-246, title I, Feb. 16, 1990, 104 Stat. 18, which is not classified to the Code.

SUBCHAPTER XII—TRANSITION

§ 4151. Pay and benefits pending conversion

Until converted under the provisions of this subchapter, any individual who is in the Foreign Service before February 15, 1981, and is serving under an appointment as a Foreign Service officer, Foreign Service information officer, Foreign Service Reserve officer with limited or unlimited tenure, or Foreign Service staff officer or employee, shall be treated for purposes of salary, allowances, and other matters as if such in-

¹ See References in Text note below.

² So in original. Probably should not be capitalized.

dividual had been converted under section 4152 or 4153 of this title, as the case may be, on February 15, 1981, except that any adjustment of salary under this section shall take effect—

(1) in the case of an individual who is in the Foreign Service on October 17, 1980, on the first day of the first pay period which begins on or after October 1, 1980, and

(2) in the case of an individual who is appointed to the Foreign Service after October 17, 1980, on the date such appointment becomes effective.

(Pub. L. 96-465, title II, §2101, Oct. 17, 1980, 94 Stat. 2148.)

CODIFICATION

“February 15, 1981” substituted in text 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.

§ 4152. Conversion to Foreign Service Schedule

(a) Not later than 120 days after February 15, 1981, the Secretary shall, in accordance with section 4156 of this title, convert to the appropriate class in the Foreign Service Schedule established under section 3963 of this title those individuals in the Foreign Service who are serving immediately before February 15, 1981, under appointments at or below class 3 of the schedule established under section 412 or 414 of the Foreign Service Act of 1946, or at any class in the schedule established under section 415 of such Act, as—

(1) Foreign Service officers, or

(2) Foreign Service Reserve officers with limited or unlimited tenure, and Foreign Service staff officers or employees, who the Secretary determines are available for worldwide assignment.

(b) Not later than 3 years after February 15, 1981, Foreign Service Reserve officers and staff officers and employees who the Secretary determines under subsection (a)(2) of this section are not available for worldwide assignment shall also be converted, in accordance with section 4156 of this title, to the appropriate class in the Foreign Service Schedule established under section 3963 of this title if—

(1) the Secretary certifies that there is a need for their services in the Foreign Service; and

(2) they agree in writing to accept availability for worldwide assignment as a condition of continued employment.

(Pub. L. 96-465, title II, §2102, Oct. 17, 1980, 94 Stat. 2148.)

REFERENCES IN TEXT

Sections 412, 414 and 415 of the Foreign Service Act of 1946, referred to in subsec. (a), which were classified to sections 867, 869 and 870, respectively, of this title, were repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

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.

§ 4153. Conversion to Senior Foreign Service

(a) Criteria; application less than 120 days after effective date of Foreign Service Act of 1980

Foreign Service officers and Foreign Service Reserve officers with limited or unlimited tenure who, immediately before February 15, 1981, are serving under appointments at class 2 or a higher class of the schedule established under section 412 or 414 of the Foreign Service Act of 1946 may at any time within 120 days after such date submit to the Secretary a written request for appointment to the Senior Foreign Service.

(b) Limited appointment

Except as provided in subsection (d) of this section, if a request is submitted under subsection (a) of this section by a Foreign Service Reserve officer with limited tenure, the Secretary shall grant to such officer a limited appointment to the Senior Foreign Service in the appropriate class established under section 3962 of this title.

(c) Career appointment

If a request is submitted under subsection (a) of this section by a Foreign Service officer or, except as provided in subsection (d) of this section, a Foreign Service Reserve officer with unlimited tenure, the Secretary shall recommend to the President a career appointment of such officer, by and with the advice and consent of the Senate, to the Senior Foreign Service in the appropriate class established under section 3962 of this title.

(d) Availability for worldwide assignment

If the Secretary determines that a Foreign Service Reserve officer with limited or unlimited tenure who submits a request under subsection (a) of this section is not available for worldwide assignment, an appointment under subsection (b) of this section or a recommendation for appointment under subsection (c) of this section shall be made only if—

(1) the Secretary certifies that there is a need for the services of such officer in the Senior Foreign Service; and

(2) such officer agrees in writing to accept availability for worldwide assignment as a condition of continued employment.

(e) Application more than 120 days after effective date of Foreign Service Act of 1980

If a Foreign Service officer or a Foreign Service Reserve officer who is eligible to submit a request under subsection (a) of this section submits a written request for appointment to the Senior Foreign Service to the Secretary more than 120 days after February 15, 1981, and before the end of the 3-year period beginning on February 15, 1981, the Secretary (in the case of a Foreign Service Reserve officer with limited tenure) may grant a limited appointment to, or (in the case of a Foreign Service officer or Foreign Service Reserve officer with unlimited tenure) may recommend to the President a career appointment of, the requesting officer to the appropriate class established under section 3962 of this title, subject to the conditions specified in subsection (d) of this section and such other conditions as the Secretary may prescribe con-

sistent with the provisions of subchapter VI of this chapter relating to promotion into the Senior Foreign Service.

(f) Forced conversion

Any officer of the Foreign Service who is eligible to submit a request under subsection (a) of this section and—

(1) who does not submit a request under subsection (a) of this section, or

(2) who submits such a request more than 120 days after February 15, 1981, and is not appointed to the Senior Foreign Service for any reason other than failure to meet the conditions specified in subsection (d) of this section,

may not remain in the Foreign Service for more than 3 years after February 15, 1981. During such period, the officer shall be subject to the provisions of subchapters I to XI of this chapter applicable to members of the Senior Foreign Service, except that such officer shall not be eligible to compete for performance pay under section 3965 of this title, and shall not be eligible for a limited career extension as described in section 4007(b) of this title. Upon separation from the Service, any such officer who is a participant in the Foreign Service Retirement and Disability System shall be entitled to retirement benefits on the same basis as a member retired from the Senior Foreign Service under section 4007(c)(1) of this title, and section 4009(a)(2)(B) of this title shall be deemed to apply to such officer.

(Pub. L. 96-465, title II, §2103, Oct. 17, 1980, 94 Stat. 2149; Pub. L. 98-164, title I, §128, Nov. 22, 1983, 97 Stat. 1027.)

REFERENCES IN TEXT

Sections 412 and 414 of the Foreign Service Act of 1946, referred to in subsec. (a), which were classified to sections 867 and 869, respectively, of this title, were repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

CODIFICATION

In subsecs. (a), (e), and (f), “February 15, 1981” substituted for “the effective date of this Act” and “such effective date” pursuant to section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

AMENDMENTS

1983—Subsec. (f). Pub. L. 98-164 substituted provisions relating to applicability of sections 4007(c)(1) and 4009(a)(2)(B) of this title, for provisions relating to applicability of subchapter VIII of this chapter.

§ 4154. Conversion from Foreign Service

(a) Individuals serving under appointment

In the case of any individual in the Foreign Service who, immediately before February 15, 1981, is serving under an appointment described in section 4152(a) or 4153(a) of this title and who is not converted under section 4152 or section 4153 of this title because such individual does not meet the conditions specified in section 4152(b) or 4153(d) of this title, the Secretary shall, not later than 3 years after February 15, 1981, provide that—

(1) the position such individual holds shall be subject to chapter 51 and subchapter III of chapter 53 of title 5;

(2) such individual shall be appointed to such position without competitive examination; and

(3) such position shall be considered to be in the competitive service so long as the individual continues to hold that position;

except that any such individual who meets the eligibility requirements for the Senior Executive Service and who elects to join that Service shall be converted by the Secretary to the Senior Executive Service in the appropriate rate of basic pay established under section 5382 of title 5.

(b) United States Information Agency individuals

In the case of individuals in the Foreign Service in the United States Information Agency who immediately before October 17, 1980, are covered by a collective bargaining agreement between the Agency and the exclusive representative of those individuals, the 3-year period referred to in subsection (a) of this section shall begin on July 1, 1981.

(c) Department of State security officers

The three-year period referred to in subsection (a) of this section shall be extended for an additional period not to exceed one year from November 22, 1983, in the case of Department of State security officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions.

(Pub. L. 96-465, title II, §2104, Oct. 17, 1980, 94 Stat. 2150; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 98-164, title I, §132, Nov. 22, 1983, 97 Stat. 1028.)

CODIFICATION

In subsec. (a), “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.

In subsec. (c), “November 22, 1983” was in the original “the date of enactment of this section” which was translated as meaning the date of enactment of this subsection, as the probable intent of Congress.

AMENDMENTS

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

CHANGE OF NAME

“United States Information Agency” substituted for “International Communication Agency” in subsec. (b), pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title. United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

§ 4155. Conversion of certain positions in Department of Agriculture

(a) Designation and classification of positions to be occupied; notice

Not later than 15 days after February 15, 1981, the Secretary of Agriculture shall—

(1) designate and classify under section 3981 of this title those positions in the Foreign Agricultural Service under the General Schedule described in section 5332 of title 5 which the Secretary of Agriculture determines are to be occupied by career members of the Foreign Service, and

(2) provide written notice to individuals holding those positions of such designation and classification of the personnel category under section 3903 of this title which will apply to such individual.

(b) Election to convert

Each employee serving in a position at the time it is designated under subsection (a) of this section shall, not later than 120 days after notice of such designation, elect—

(1) to accept conversion to the Foreign Service, in which case such employee shall be converted in accordance with the provisions of subsection (c) of this section; or

(2) to decline conversion to the Foreign Service and have the provisions of subsection (d) of this section apply.

(c) Recommendations for appointment

(1) The Secretary of Agriculture shall recommend to the President for appointment to the appropriate class (as determined under paragraph (2)), by and with the advice and consent of the Senate, those employees who elect conversion under subsection (a)(1) of this section.

(2) The Secretary of Agriculture shall appoint as Foreign Service personnel those employees who elect to accept conversion and who are not eligible for appointment under paragraph (1).

(d) Results of declining to convert

Any employee who declines conversion under subsection (b)(2) of this section shall for so long as that employee continues to hold the designated position be deemed to be a member of the Foreign Service for purposes of allowances, differentials, and similar benefits (as determined by the Secretary of Agriculture).

(Pub. L. 96-465, title II, §2105, Oct. 17, 1980, 94 Stat. 2150.)

CODIFICATION

In subsec. (a), “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.

§ 4156. Preservation of status and benefits

(a) Conversion to class, grade, or step corresponding to level prior to conversion; reduction in position or salary; conversion from Foreign Service under section 4154 of this title

(1) Every individual who is converted under this subchapter shall be converted to the class or grade and pay rate that most closely corresponds to the class or grade and step at which the individual was serving immediately before conversion. No conversion under this subchapter shall cause any individual to incur a reduction in his or her class, grade, or basic rate of salary.

(2) An individual converted under section 4154 of this title to a position in the competitive

service shall be entitled to have that position, or any other position to which the individual is subsequently assigned (other than at the request of the individual), be considered for all purposes as at the grade which corresponds to the class in which the individual served immediately before conversion so long as the individual continues to hold that position.

(b) Participation in Foreign Service Retirement and Disability System

(1) Any participant in the Foreign Service Retirement and Disability System who would, but for this paragraph, participate in the Civil Service Retirement and Disability System by virtue of conversion under this subchapter shall remain a participant in the Foreign Service Retirement and Disability System for 120 days after participation in the Foreign Service Retirement and Disability System would otherwise cease. During such 120-day period, the individual may elect in writing to continue to participate in the Foreign Service Retirement and Disability System instead of the Civil 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 not made, the individual shall then be covered by the Civil Service Retirement and Disability System and contributions made by the participant to the Foreign Service Retirement and Disability Fund shall be transferred to the Civil Service Retirement and Disability Fund.

(2) Any Foreign Service Reserve officer with limited tenure who has reemployment rights to a personnel category in the Foreign Service in which he or she would be a participant in the Foreign Service Retirement and Disability System 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.)

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.)

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 accordance 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) of this section, or

(2) February 15, 1981, in the case of an election under subsection (b)(2) of this section.

(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