

“(2) made available to the Director General of the Foreign Service.

“(c) SURVEY.—The survey shall seek to assess—

- “(1) the general morale at post;
- “(2) the presence of any hostile work environment;
- “(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and
- “(4) effective leadership and collegial work environment.

“(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

“(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General of the Foreign Service may refer the matter to the Inspector General of the Department of State and the Foreign Service, who shall, as the Inspector General considers appropriate, conduct an inspection of the post in accordance with section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)).

“(f) ANNUAL REPORT.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives] that includes—

- “(1) any trends or summaries from the surveys;
- “(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and
- “(3) the number of referrals to the Inspector General of the Department of State and the Foreign Service, as applicable.

“(g) INITIAL BASIS.—The surveys and reports required under this section shall be carried out on an initial basis for the 5-year period beginning on the date of the enactment of this Act.”

THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) ORDERS

Pub. L. 117–263, div. I, title XCII, § 9214, Dec. 23, 2022, 136 Stat. 3875, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary [of State] shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.”

§ 3922. Utilization of Foreign Service personnel system by other agencies

(a)(1) The Broadcasting Board of Governors and the Administrator of the Agency for International Development may utilize the Foreign Service personnel system with respect to their respective agencies in accordance with this chapter.

(2) The Secretary of Agriculture may utilize the Foreign Service personnel system in accordance with this chapter—

(A) with respect to personnel of the Foreign Agricultural Service, and

(B) with respect to other personnel of the Department of Agriculture to the extent the President determines to be necessary in order to enable the Department of Agriculture to carry out functions which require service abroad.

(3) The Secretary of Commerce may utilize the Foreign Service personnel system in accordance with this chapter—

(A) with respect to the personnel performing functions transferred to the Department of

Commerce from the Department of State by Reorganization Plan Numbered 3 of 1979, and

(B) with respect to other personnel of the Department of Commerce to the extent the President determines to be necessary in order to enable the Department of Commerce to carry out functions which require service abroad.

(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 3943 of this title individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

(B) The individuals referred to in subparagraph (A) are individuals eligible for employment abroad under section 3951(a) of this title.

(b) Subject to section 3921(b) of this title—

(1) the agency heads referred to in subparagraph (a), and

(2) the head of any other agency (to the extent authority to utilize the Foreign Service personnel system is granted to such agency head under any other chapter),

shall in the case of their respective agencies exercise the functions vested in the Secretary by this chapter.

(Pub. L. 96–465, title I, § 202, Oct. 17, 1980, 94 Stat. 2078; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 105–277, div. G, subd. A, title XIII, § 1335(k)(1), title XIV, § 1422(b)(4)(A), Oct. 21, 1998, 112 Stat. 2681–789, 2681–793; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title III, § 332], Nov. 29, 1999, 113 Stat. 1536, 1501A–439.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 3 of 1979, referred to in subsec. (a)(3)(A), is Reorg. Plan No. 3 of 1979, 44 F.R. 69273, 93 Stat. 1381, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1999—Subsec. (a)(4). Pub. L. 106–113 added par. (4).

1998—Subsec. (a)(1). Pub. L. 105–277, § 1422(b)(4)(A), substituted “Administrator of the Agency for International Development” for “Director of the United States International Development Cooperation Agency”.

Pub. L. 105–277, § 1335(k)(1), substituted “Broadcasting Board of Governors” for “Director of the United States Information Agency”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(21) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

“Director of the United States Information Agency” substituted for “Director of the International Communication Agency” in subsec. (a)(1), pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1335(k)(1) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(4) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 of this title.

Executive Documents

EXERCISE OF CERTAIN FUNCTIONS BY BOARD OF THE FOREIGN SERVICE AND BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

The Board of the Foreign Service and the Board of Examiners for the Foreign Service were authorized to exercise with respect to Foreign Service personnel of the Department of Commerce, functions delegated to them by Ex. Ord. No. 11264, set out as a note under section 3930 of this title, respecting Foreign Service personnel of the Department of State, see section 1-104(c) of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 991, set out as a note under section 2171 of Title 19, Customs Duties.

EX. ORD. NO. 10522. AUTHORITY OF THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY

Ex. Ord. No. 10522, Mar. 26, 1954, 19 F.R. 1689, provided: SECTION 1. The Director of the United States Information Agency is hereby authorized to carry out the functions of the Board of the Foreign Service, provided for by the Foreign Service Act of 1946 (60 Stat. 999) [this chapter], with respect to personnel appointed or assigned for service in the United States Information Agency under the provisions of such Act, as amended [this chapter]: *Provided*, That nothing herein contained shall be construed as transferring to the said Director any function of the said Board relating to any Foreign Service Officer.

SEC. 2. The Director of the United States Information Agency is hereby authorized to prescribe such regulations and issue such orders and instructions, not inconsistent with law, as may be necessary or desirable for carrying out his functions under section 1 of this order.

DWIGHT D. EISENHOWER.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

§ 3922a. Representation of minorities and women in Foreign Service**(a) Development of program**

The head of each agency utilizing the Foreign Service personnel system shall develop, consistent with section 7201 of title 5, a plan designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) Emphasis on mid-levels

Each plan developed pursuant to this section shall, consistent with section 7201 of title 5, place particular emphasis on achieving significant increases in the numbers of minority group members and women who are in the mid-levels of the Foreign Service.

(Pub. L. 99-93, title I, §152, Aug. 16, 1985, 99 Stat. 428; Pub. L. 100-204, title I, §185(c)(3), Dec. 22, 1987, 101 Stat. 1366.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and not

as part of the Foreign Service Act of 1980 which comprises this chapter.

AMENDMENTS

1987—Subsec. (c). Pub. L. 100-204 struck out subsec. (c) which read as follows: “The head of each agency utilizing the Foreign Service personnel system shall report annually to the Congress on the plan developed pursuant to this section as part of the report required to be submitted pursuant to section 3905(d)(2) of this title. Subsequent reports pursuant to that section shall include reports on the implementation of these plans, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels of the Foreign Service.”

Statutory Notes and Related Subsidiaries

REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE

Pub. L. 105-277, div. G, subdiv. B, title XXIII, §2318, Oct. 21, 1998, 112 Stat. 2681-829, required the Secretary of State to submit, in calendar years 1998 and 1999, a report to Congress concerning minorities and the Foreign Service officer corps, with relevant information and specified data.

MID-LEVEL WOMEN AND MINORITY PLACEMENT PROGRAM

Pub. L. 103-236, title I, §178, Apr. 30, 1994, 108 Stat. 414, provided that:

“(a) PURPOSE.—It is the purpose of this section to promote the acquisition and retention of highly qualified, trained, and experienced women and minority personnel within the Foreign Service, to provide the maximum opportunity for the Foreign Service to meet staffing needs and to acquire the services of experienced and talented women and minority personnel, and to help alleviate the impact of downsizing, reduction-in-force, and budget restrictions occurring in the defense and national security-related agencies of the United States.

“(b) ESTABLISHMENT.—For each of the fiscal years 1994 and 1995, the Secretary of State shall to the maximum extent practicable appoint to the Foreign Service qualified women and minority applicants who are participants in the priority placement program of the Department of Defense, the Department of Defense outplacement referral program, the Office of Personnel Management Automated Applicant Referral System, or the Office of Personnel Management Interagency Placement Program. The Secretary shall make such appointments through the mid-level entry program of the Department of State under section 306 of the Foreign Service Act of 1980 [22 U.S.C. 3946].

“(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Apr. 30, 1994], the Secretary of State shall prepare and submit a report concerning the implementation of subsection (a) to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include recommendations on methods to improve implementation of the purpose of this section.”

WOMEN AND MINORITIES IN FOREIGN SERVICE

Pub. L. 100-204, title I, §183, Dec. 22, 1987, 101 Stat. 1364, provided that:

“(a) FINDINGS.—The Congress finds that the Department of State and other Foreign Service agencies have not been successful in their efforts—

“(1) to recruit and retain members of minority groups in order to increase significantly the number of members of minority groups in the Foreign Service; and

“(2) to provide adequate career advancement for women and members of minority groups in order to increase significantly the numbers of women and