

1980, which is classified principally to this chapter (§ 3901 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Statutory Notes and Related Subsidiaries

CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES

Pub. L. 117–263, div. I, title XCII, § 9209, Dec. 23, 2022, 136 Stat. 3873, provided that:

“(a) CURTAILMENTS REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], and every 180 days thereafter, the Secretary [of State] shall submit a report to the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives] regarding curtailments of Department [of State] personnel from overseas posts.

“(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—

“(A) relevant information about any post that, during the 6-month period preceding the report—

“(i) had more than 5 curtailments; or

“(ii) had curtailments representing more than 5 percent of Department personnel at such post; and

“(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by month of occurrence.

“(C) ADDITIONAL CONTENTS FOR INITIAL REPORT.—The initial report submitted pursuant to paragraph (1) shall identify—

“(i) the number of curtailments at the Deputy Chief of Mission or Principal Officer level for each of the previous 5 years; and

“(ii) to the extent practicable—

“(I) the number of such curtailments that were voluntary and the number of such curtailments that were involuntary; and

“(II) the number of those curtailed who left the service within 1 year after such curtailment.

“(b) REMOVAL OF DIPLOMATS.—Not later than 20 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—

“(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such declaration; and

“(2) include with such notification—

“(A) the official reason for such declaration (if provided by the host government);

“(B) the date of the declaration; and

“(C) whether the Department responded by declaring a host government’s diplomat in the United States persona non grata.

“(c) WAIVER OF PRIVILEGES AND IMMUNITIES.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

“(d) TERMINATION.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.”

MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS

Pub. L. 117–263, div. I, title XCII, § 9212, Dec. 23, 2022, 136 Stat. 3874, provided that:

“(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act [Dec. 23, 2022], the Secretary [of State] shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of that post by the Chief of Mission, the Deputy Chief of Mission, and the Charge d’Affaires.

“(b) ANONYMITY.—All responses to the survey shall be—

“(1) fully anonymized; and

“(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 subsection (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,