

ice posts which are to be occupied by members of the Service (other than by chiefs of mission and ambassadors at large). Positions designated under this section are excepted from the competitive service. If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 3949 of this title. Position classifications under this section shall be established, without regard to chapter 51 of title 5, in relation to the salaries established under subchapter IV. In classifying positions at Foreign Service posts abroad, the Secretary shall give appropriate weight to job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations.

(Pub. L. 96-465, title I, § 501, Oct. 17, 1980, 94 Stat. 2092; Pub. L. 117-81, div. E, title LI, § 5109(1), Dec. 27, 2021, 135 Stat. 2349.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117-81 inserted after second sentence “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 3949 of this title.”

#### § 3982. Assignments to Foreign Service positions

##### (a) Positions assignable; basis for assignment

(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 3981 of this title in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to or prohibited from being assigned to a position at a post in a particular geographic area, or domestically, in a position working on issues relating to a particular country or geographic area, on the basis of the race, ethnicity, or religion of that member.

##### (b) Filling of positions by members of Service; employment of members of State Department and other agencies

Positions designated as Foreign Service positions normally shall be filled by the assignment of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

##### (c) Charge d'affaires

The President may assign a career member of the Service to serve as charge d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is des-

ignated under section 3902(a)(3)<sup>1</sup> of this title by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

##### (d) Competitive ability with respect to chief of mission positions and for assignments outside areas of specialization

The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

(Pub. L. 96-465, title I, § 502, Oct. 17, 1980, 94 Stat. 2093; Pub. L. 98-164, title I, § 130(b), Nov. 22, 1983, 97 Stat. 1027; Pub. L. 114-323, title IV, § 414(d), Dec. 16, 2016, 130 Stat. 1933; Pub. L. 117-81, div. E, title LI, § 5109(2), Dec. 27, 2021, 135 Stat. 2349.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 3902(a)(3) of this title, referred to in subsec. (c), was redesignated section 3902(3) of this title pursuant to Pub. L. 98-164, which struck out the designation “(a)” and subsec. (b) of section 3902.

##### AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 117-81 inserted “, or domestically, in a position working on issues relating to a particular country or geographic area,” after “particular geographic area”.

2016—Subsec. (a)(2). Pub. L. 114-323 inserted “or prohibited from being assigned to” after “assigned to” and struck out “exclusively” before “on the basis”.

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

#### Statutory Notes and Related Subsidiaries

##### ASSIGNMENT PROCESS MODERNIZATION

Pub. L. 118-159, div. G, title LXXI, § 7107, Dec. 23, 2024, 138 Stat. 2524, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2024], the Secretary [of State] shall modernize the Foreign Service bidding process, and should consider incorporating the following elements:

“(1) A stable-pair matching, preference-ranking system for non-directed Foreign Service employees and hiring bureaus, allowing for a more strategic alignment of workforce and resources.

“(2) Incorporation of lessons learned from the previous stable-pair matching bidding pilot framework referred to as ‘iMatch’ but applied more expansively to include non-directed assignments up through FS-01 positions, taking advantage of efficiency benefits such as tandem assignment functionalities.

“(3) Mechanisms to ensure transparency, efficiency, effectiveness, accountability, and flexibility in the assignment process, while maintaining equal opportunities for all employees in the Foreign Service.

“(4) An independent auditing process to ensure adherence to established rules, effectiveness in meeting the Department’s [Department of State’s] needs, and prevention of bias or manipulation, including through the use of protected categories in making assignment decisions.

“(b) CONSIDERATION OF CERTAIN PROMOTION ISSUES.—In parallel with assignment process modernization efforts, the Secretary shall—

<sup>1</sup> See References in Text note below.

“(1) assess whether any point systems tied to promotion incentives should consider service in hard-to-fill or critical positions; and

“(2) assess whether the practice of dividing the assignment process into winter and summer cycles is necessary or efficient compared to stable matching processes.

“(c) REPORTING AND OVERSIGHT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall provide the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives] a report on the implementation of the assignment process under this section, including—

“(1) data on match rates, including in filling critical or priority positions, officer and hiring office satisfaction, and the impact on tandem placements;

“(2) recommendations for further modifications to the bidding process;

“(3) an overview of the strategy used to communicate any changes to the workforce; and

“(4) results of analysis into additional transparency efforts, including those described in subsection (a)(3).”

#### SUPPORTING TANDEM SPOUSES IN THE FOREIGN SERVICE

Pub. L. 118-31, div. F, title LXII, § 6227, Dec. 22, 2023, 137 Stat. 980, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) challenges finding and maintaining spousal employment and family dissatisfaction are one of the leading reasons employees cite for leaving the Department [of State];

“(2) tandem Foreign Service personnel represent important members of the Foreign Service community, who act as force multipliers for our diplomacy;

“(3) the Department can and should do more to keep tandem spouses posted together and consider family member employment needs when assigning tandem officers; and

“(4) common sense steps providing more flexibility in the assignments process would improve outcomes for tandem officers without disadvantaging other Foreign Service Officers.

“(b) DEFINITIONS.—In this section:

“(1) FAMILY TOGETHERNESS.—The term ‘family togetherness’ means facilitating the placement of Foreign Service personnel at the same United States diplomatic post when both spouses are members of a tandem couple of Foreign Service personnel.

“(2) TANDEM FOREIGN SERVICE PERSONNEL; TANDEM.—The terms ‘tandem Foreign Service personnel’ and ‘tandem’ mean a member of a couple of which one spouse is a career or career candidate employee of the Foreign Service and the other spouse is a career or career candidate employee of the Foreign Service or an employee of one of the agencies authorized to use the Foreign Service Personnel System under section 202 of the Foreign Service Act of 1980 (22 U.S.C. 3922).

“(c) FAMILY TOGETHERNESS IN ASSIGNMENTS.—Not later than 90 days after the date of enactment of this division [Dec. 22, 2023], the Department shall amend and update its policies to further promote the principle of family togetherness in the Foreign Service, which shall include the following:

“(1) ENTRY-LEVEL FOREIGN SERVICE PERSONNEL.—The Secretary [of State] shall adopt policies and procedures to facilitate the assignment of entry-level tandem Foreign Service personnel on directed assignments to the same diplomatic post or country as their tandem spouse if they request to be assigned to the same post or country. The Secretary shall also provide a written justification to the requesting personnel explaining any denial of a request that would result in tandem spouses not serving together at the same post or country.

“(2) TENURED FOREIGN SERVICE PERSONNEL.—The Secretary shall add family togetherness to the criteria when making a needs of the Service determina-

tion, as defined by the Foreign Affairs Manual, for the placement of tenured tandem Foreign Service personnel at United States diplomatic posts.

“(3) UPDATES TO ANTINEPOTISM POLICY.—The Secretary shall update antinepotism policies so that nepotism rules only apply when an employee and a relative are placed into positions wherein they jointly and exclusively control government resources, property, or money or establish government policy.

“(4) TEMPORARY SUPERVISION OF TANDEM SPOUSE.—The Secretary shall update policies to allow for a tandem spouse to temporarily supervise another tandem spouse for up to 90 days in a calendar year, including at a United States diplomatic mission.

“(d) REPORT.—Not later than 90 days after the date of enactment of this division, and annually thereafter for two years, the Secretary shall submit to the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives] a report that includes—

“(1) the number of Foreign Service tandem spouses currently serving;

“(2) the number of Foreign Service tandems currently serving in separate locations, or, to the extent possible, that are on leave without pay (LWOP); and

“(3) an estimate of the cost savings that would result if all Foreign Service tandem spouses were placed at a single post.”

#### REPORT RESPECTING POLICIES AND PROCEDURES ADOPTED TO IMPROVE COMPETITIVE ABILITY OF PERSONNEL

Pub. L. 98-164, title I, § 130(c), Nov. 22, 1983, 97 Stat. 1028, directed Secretary of State, not later than one year after Nov. 22, 1983, to submit a report to Speaker of House of Representatives and chairman of Committee on Foreign Relations of Senate describing policies and procedures adopted pursuant to the amendment made by section 130(b) of Pub. L. 98-164, adding subsec. (d) of this section, prior to repeal by Pub. L. 103-236, title I, § 139(10), Apr. 30, 1994, 108 Stat. 398.

### Executive Documents

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (c) delegated to Secretary of State, see section 1 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13969, set out as a note under section 3901 of this title.

### § 3983. Assignments to non-Service and other positions

#### (a) Positions assignable

The Secretary may (with the concurrence of the agency, organization, or other body concerned) assign a member of the Service for duty—

(1) in a non-Foreign Service (including Senior Executive Service) position in the Department or another agency, or with an international organization, international commission, or other international body;

(2) with a domestic or international trade, labor, agricultural, scientific, or other conference, congress, or gathering;

(3) for special instruction, training, or orientation at or with a public or private organization; and

(4) in the United States (or in any territory or possession of the United States or in the Commonwealth of Puerto Rico), with a State or local government, a public or private nonprofit organization (including an educational institution), or a Member or office of the Congress.