

“(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.

**(b) Salary; travel and other expenses**

(1) The salary of a member of the Service assigned under this section shall be the higher of the salary which that member would receive but for the assignment under this section or the salary of the position to which that member is assigned.

(2) The salary of a member of the Service assigned under this section shall be paid from appropriations made available for the payment of salaries and expenses of the Service. Such appropriations may be reimbursed for all or any part of the costs of salaries and other benefits for members assigned under this section.

(3) A member of the Service assigned under subsection (a)(4) to a Member or office of the Congress shall be deemed to be an employee of the House of Representatives or the Senate, as the case may be, for purposes of payment of travel and other expenses.

**(c) Length of assignment**

Except as otherwise provided in subsection (d)(5), assignments under this section may not exceed four years of continuous service for any member of the Service unless the Secretary approves an extension of such period for that member because of special circumstances.

**(d) Assignment to the American Institute in Taiwan**

(1) The Secretary may assign a member of the Service, or otherwise detail an employee of the Department, for duty at the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.

(2) The head of any other department or agency of the United States may, with the concurrence of the Secretary, detail an employee of that department or agency to the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.

(3) In this subsection, the term “employee” does not include—

(A) a noncareer appointee, limited term appointee, or limited emergency appointee (as such terms are defined in section 3132(a) of title 5) in the Senior Executive Service; or

(B) an employee in a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(4) An assignment or detail under this subsection may be made with or without reimbursement from the American Institute in Taiwan.

(5) The period of an assignment or detail under this subsection shall not exceed a total of 6 years, except that the Secretary (or any other head of a department or agency of the United States, with the concurrence of the Secretary) may extend the period of an assignment or detail for an additional period of not more than 6 years.

(Pub. L. 96-465, title I, § 503, Oct. 17, 1980, 94 Stat. 2093; Pub. L. 107-228, div. A, title III, § 326, Sept. 30, 2002, 116 Stat. 1386.)

**Editorial Notes**

## AMENDMENTS

2002—Subsec. (c). Pub. L. 107-228, § 326(2), substituted “Except as otherwise provided in subsection (d)(5), assignments” for “Assignments”.

Subsec. (d). Pub. L. 107-228, § 326(1), added subsec. (d).

**§ 3984. Service in United States and abroad****(a) Obligation to serve abroad; length of stay in United States**

Career members of the Service shall be obligated to serve abroad and shall be expected to serve abroad for substantial portions of their careers. The Secretary shall establish by regulation limitations upon assignments of members of the Service within the United States. A member of the Service may not be assigned to duty within the United States for any period of continuous service exceeding eight years unless the Secretary approves an extension of such period for that member because of special circumstances.

**(b) Intermittent duty within United States**

Consistent with the needs of the Service, the Secretary shall seek to assign each career member of the Service who is a citizen of the United States (other than those employed in accordance with section 3951 of this title) to duty within the United States at least once during each period of fifteen years that the member is in the Service.

**(c) Sabbaticals**

The Secretary may grant a sabbatical to a career member of the Senior Foreign Service for not to exceed eleven months in order to permit the member to engage in study or uncompensated work experience which will contribute to the development and effectiveness of the member. A sabbatical may be granted under this subsection under conditions specified by the Secretary in light of the provisions of section 3396(c) of title 5, which apply to sabbaticals granted to members of the Senior Executive Service.

(Pub. L. 96-465, title I, § 504, Oct. 17, 1980, 94 Stat. 2094; Pub. L. 103-236, title I, § 180(a)(5), Apr. 30, 1994, 108 Stat. 416.)

**Editorial Notes**

## AMENDMENTS

1994—Subsec. (b). Pub. L. 103-236 inserted “(other than those employed in accordance with section 3951 of this title)” after “citizen of the United States”.

**§ 3985. Temporary details**

A period of duty of not more than six months in duration by a member of the Service shall be considered a temporary detail and shall not be considered an assignment within the meaning of this subchapter.

(Pub. L. 96-465, title I, § 505, Oct. 17, 1980, 94 Stat. 2094.)