

“(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

“(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department [of State], including time spent—

“(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government; or

“(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

“(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments as described in this section.”

§ 4024. Functions of Secretary

(a) Nature and correlation of training and instruction; encouragement of complementary programs; employment of personnel; acquisition of property and equipment

In the exercise of functions under this subchapter, the Secretary of State may—

(1) provide for the general nature of the training and instruction to be furnished by the institution, including functional and geographic area specializations;

(2) correlate training and instruction furnished by the institution with courses given at other Government institutions and at private institutions which furnish training and instruction useful in the field of foreign affairs;

(3) encourage and foster programs complementary to those furnished by the institution, including through grants and other gratuitous assistance to nonprofit institutions cooperating in any of the programs under this subchapter;

(4)(A) employ in accordance with the civil service laws such personnel as may be necessary to carry out the provisions of this subchapter, and

(B) if and to the extent determined to be necessary by the Secretary of State, obtain without regard to the provisions of law governing appointments in the competitive service, by appointment or contract (subject to the availability of appropriations), the services of individuals to serve as education and training specialists, including language instructors and linguists, and other specialists who perform work directly relating to the design, delivery, oversight, or coordination of training delivered by the institution (including, in the absence of suitably qualified United States citizens, qualified individuals who are not citizens of the United States); and

(5) acquire such real and personal property and equipment as may be necessary for the establishment, maintenance, and operation of the facilities necessary to carry out the provisions of this subchapter without regard to sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41.

(b) Payment of salary, tuition, and other expenses; special monetary or other incentives

In furtherance of the objectives of this chapter, the Secretary may—

(1) pay the tuition and other expenses of members of the Service and employees of the Department who are assigned or detailed in accordance with law for special instruction or training, including orientation, language, and career development training;

(2) pay the salary (excluding premium pay or any special differential under section 3972 of this title) of members of the Service selected and assigned for training; and

(3) provide special monetary or other incentives to encourage members of the Service to acquire or retain proficiency in foreign languages or special abilities needed in the Service.

(c) Orientation and training for family members

The Secretary may provide to family members of members of the Service or of employees of the Department or other agencies, in anticipation of their assignment abroad or while abroad—

(1) appropriate orientation and language training; and

(2) functional training for anticipated prospective employment under section 3951 of this title.

(d) Training and certification for employees performing consular functions

(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

(2) As used in this subsection, the term “consular function” includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.

(Pub. L. 96–465, title I, § 704, Oct. 17, 1980, 94 Stat. 2100; Pub. L. 97–241, title I, § 125(1), Aug. 24, 1982, 96 Stat. 281; Pub. L. 103–236, title I, § 126(3), Apr. 30, 1994, 108 Stat. 394; Pub. L. 105–277, div. G, subdiv. B, title XXII, § 2222(f), Oct. 21, 1998, 112 Stat. 2681–819; Pub. L. 114–323, title IV, § 407, Dec. 16, 2016, 130 Stat. 1930.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, known as the Foreign Service Act of 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.

CODIFICATION

In subsec. (a)(5), “sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41” substituted for “section

3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2016—Subsec. (a)(4)(B). Pub. L. 114-323 substituted “education and training specialists, including language instructors and linguists, and other specialists who perform work directly relating to the design, delivery, oversight, or coordination of training delivered by the institution” for “language instructors, linguists, and other academic and training specialists”.

1998—Subsec. (d). Pub. L. 105-277 added subsec. (d).

1994—Subsec. (a)(1) to (3). Pub. L. 103-236 substituted “institution” for “Institute”.

1982—Subsec. (b)(2). Pub. L. 97-241 substituted “section 3972 of this title” for “section 3971 of this title”.

§ 4025. Training grants

(a) Family members attending approved programs of study; limitations

To facilitate training provided to members of families of Government employees under this subchapter, the Secretary may make grants (by advance payment or by reimbursement) to family members attending approved programs of study. No such grant may exceed the amount actually expended for necessary costs incurred in conjunction with such attendance.

(b) Compensation for individuals unable to participate in language training furnished by Government

If a member of the Service who is assigned abroad, or a member of his or her family, is unable to participate in language training furnished by the Government through the institution or otherwise, the Secretary may compensate that individual for all or part of the costs of language training, related to the assignment abroad, which is undertaken at a public or private institution.

(Pub. L. 96-465, title I, § 705, Oct. 17, 1980, 94 Stat. 2101; Pub. L. 103-236, title I, § 126(3), Apr. 30, 1994, 108 Stat. 394.)

Editorial Notes

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-236 substituted “institution” for “Institute” after “through the”.

§ 4026. Career counseling

(a) Facilitation of transition from Service

In order to facilitate their transition from the Service, the Secretary may provide (by contract or otherwise, subject to the availability of appropriations) professional career counseling, advice, and placement assistance to members of the Service, and to former members of the Service who were assigned to receive counseling and assistance under this subsection before they were separated from the Service, other than those separated for cause. Career counseling and related services provided pursuant to this chapter shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.

(b) Facilitation of employment of spouses of members; establishment of family liaison office

(1) The Secretary shall implement such measures as the Secretary considers necessary to facilitate the employment of spouses and members of the Service. The measures may include—

(A) providing regular career counseling for such spouses;

(B) maintaining a centralized system for cataloging their skills and the various governmental and nongovernmental employment opportunities available to them; and

(D)¹ otherwise assisting them in obtaining employment.

(2) The Secretary may prescribe regulations—

(A) to provide preference to eligible family members in hiring for any civilian position in the Department, notwithstanding the prohibition on marital discrimination found in 5 U.S.C. 2302(b)(1)(E), if—

(i) the eligible family member is among persons determined to be best qualified for the position; and

(ii) the position is located in the overseas country of assignment of their sponsoring employee;

(B) to ensure that notice of any vacant position in the Department is provided in a manner reasonably designed to reach eligible family members of sponsoring employees whose permanent duty stations are in the same country as that in which the position is located; and

(C) to ensure that an eligible family member who applies for a vacant position in the Department shall, to the extent practicable, be considered for any such position located in the same country as the permanent duty station of their sponsoring employee.

(3) Nothing in this section may be construed to provide an eligible family member with entitlement or preference in hiring over an individual who is preference eligible.

(4) Under regulations prescribed by the Secretary, a chief of mission may, consistent with all applicable laws and regulations pertaining to the ICASS system, make available to an eligible family member and a non-Department entity space in an embassy or consulate for the purpose of the non-Department entity providing employment-related training for eligible family members.

(5) The Secretary may work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of eligible family member employment.

(6) The Secretary shall establish a family liaison office to carry out this subsection and such other functions as the Secretary may determine.

(7) In this subsection, the term “eligible family member” refers to family members of government employees assigned abroad or hired for service at their post of residence who are appointed by the Secretary of State or the Admin-

¹ So in original. There is no subpar. (C).