

[CHAPTER 105]

AN ACT

May 3, 1945
[H. R. 6891]
[Public Law 48]

To enable the Department of State, pursuant to its responsibilities under the Constitution and statutes of the United States, more effectively to carry out its prescribed and traditional responsibilities in the foreign field; to strengthen the Foreign Service permitting fullest utilization of available personnel and facilities of other departments and agencies and coordination of activities abroad of the United States under a Foreign Service for the United States unified under the guidance of the Department of State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Service.
Purpose of Congress.

SECTION 1. It is the purpose of the Congress to enable the Department of State, pursuant to its responsibilities under the Constitution and statutes of the United States, more effectively to carry out its prescribed and traditional responsibilities in the foreign field; to strengthen the Foreign Service permitting fullest utilization of available personnel and facilities of other departments and agencies and coordination of activities abroad of the United States under a Foreign Service for the United States unified under the guidance of the Department of State.

46 Stat. 1207.
22 U. S. C. § 23a.

SEC. 2. That section 1 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", as amended, is hereby amended to read as follows:

Classification of administrative, etc., personnel.

"SECTION 1. The administrative, fiscal, and clerical personnel of the Foreign Service of the United States of America shall be graded and classified as follows, and shall receive, within the limitation of such appropriations as the Congress may make, the basic compensation specified, and shall, within the salary range indicated, be entitled to administrative promotions in compensation which shall be made in accordance with the laws prescribing promotion of civil-service personnel as respects the administrative groups and under such rules and regulations as the Secretary of State may prescribe for senior and junior clerks:

Administrative officers.

"Administrative officers: Class I, \$4,600 to \$5,600; class II, \$3,800 to \$4,600; class III, \$3,500 to \$4,100.

Administrative assistants.

"Administrative assistants: Class I, \$3,200 to \$3,800; class II, \$2,900 to \$3,500; class III, \$2,600 to \$3,200.

Clerks.

"Clerks: Class I, senior clerks, \$2,300 to \$2,900; class II, junior clerks, all clerks whose compensation as fixed by the Secretary of State is less than \$2,300 per annum."

46 Stat. 1207.
22 U. S. C. § 23c.

SEC. 3. That section 3 of the Act of February 23, 1931, as amended, is amended to read as follows:

Allowances for living quarters, etc.

"SEC. 3. The Secretary of State is hereby authorized to grant at all posts, allowances for living quarters, heat, light, fuel, gas, and electricity, and at posts where in his judgment it is required by the public interests for the purpose of meeting the unusual or excessive costs of living ascertained by him to exist, to grant post allowances to clerks assigned there and also to other employees of the Foreign Service of the United States who are American citizens, within such appropriations as Congress may make for said purpose: *Provided*, That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe, and the authorization and approval of such expenditures by the Secretary of State as complying with such rules and regulations shall be binding upon all officers of the Government: *Provided, however*, That all such allowances and the reasons therefor shall be reported to the Congress with the annual budget."

Post allowances to meet excessive costs of living.

Accounting.

Report to Congress.

53 Stat. 533.
22 U. S. C. § 3.

SEC. 4. That paragraph (a) of section 10 of the Act of February 23, 1931, as amended, is hereby amended to read:

"SEC. 10. (a) The officers in the Foreign Service of the United States shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto, except as increases in salaries are authorized in section 33 of this Act:

Foreign Service officers, classification.

"Ambassadors and Ministers, as now or hereafter provided; Foreign Service officers as follows: Class I, \$9,000 to \$10,000; class II, \$8,000 to \$8,900; class III, \$7,000 to \$7,900; class IV, \$6,000 to \$6,900; class V, \$5,000 to \$5,900; class VI, \$4,500 to \$4,900; class VII, \$4,000 to \$4,400; class VIII, \$3,500 to \$3,900; unclassified, \$2,500 to \$3,400: *Provided, however,* That as many Foreign Service officers above class VI as may be required for purposes of inspection may be detailed by the Secretary of State for that purpose."

46 Stat. 1215.
22 U. S. C. §§ 3a, 23i.

SEC. 5. That section 10 of the Act of February 23, 1931, is further amended by adding at the end thereof the following new paragraph (c):

Details for inspection purposes.

"SEC. 10. (c) The Secretary of State is hereby authorized to assign for special duty as officers of the Foreign Service for nonconsecutive periods of not more than four years, qualified persons holding positions in the Department of State, and, at his request, qualified persons holding positions in any other department or agency of the United States who have rendered not less than five years of Government service, and persons so assigned shall be eligible during the periods of such assignment to receive the allowances authorized by the provisions of section 19 of this Act. Persons assigned under the authority of this section shall be eligible to receive all benefits provided by civil-service law and regulation in the same manner and subject to the same conditions as though they were serving in their regular civil-service positions and upon termination of their assignment shall be reinstated in the respective department or agency from which loaned. The salaries and allowances of such persons shall notwithstanding the provisions of any other law, be paid throughout the periods of such assignments from the appropriations provided for the Department of State."

Assignment of qualified Government personnel for special duty.

Post, p. 104.
Eligibility for civil-service benefits.

SEC. 6. Section 14 of the Act of February 23, 1931, is amended to read as follows:

Payment of salaries and allowances.

"SEC. 14. That the Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister or ambassador and the names of those Foreign Service officers and clerks and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the Service, and any Foreign Service officers who may hereafter be promoted to a higher class within the classification prescribed in section 10 of this Act, as amended, shall have the status and receive the compensation attaching to such higher class from the date stated in his commission as the effective date of his promotion to such higher class."

46 Stat. 1208.
22 U. S. C. § 7.

Reports and recommendations for promotions and appointments.

Supra.

SEC. 7. Section 16 of the Act of February 23, 1931, is amended to read as follows:

46 Stat. 1208.
22 U. S. C. § 11.

"SEC. 16. That every secretary, consul general, consul, vice consul, or Foreign Service officer and, if required, any other officer or employee of the Foreign Service or of the Department of State before he enters upon the duties of his office shall give to the United States a bond in such form and in such penal sum as the Secretary of State shall prescribe, with such sureties as the Secretary of State

Bonds and sureties.

shall approve, conditioned without division of penalty for the true and faithful performance of his duties, including (but not by way of limitation) certifying vouchers for payment, accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property that shall come to his hands or to the hands of any other person to his use as such officer or employee under any law now or hereafter enacted and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer or employee, and such bond shall be construed to be conditioned for the true and faithful performance of all official duties of whatever character now or hereafter lawfully imposed upon him, or by him assumed incident to his employment as an officer or employee of the Government: *Provided*, That notwithstanding any other provisions of law, upon approval of any bond given pursuant to this Act, the principal shall not be required to give another separate bond conditioned for the true and faithful performance of only a part of the duties for which the bond given pursuant to this Act is conditioned: *Provided further*, That the operation of no existing bond of a Foreign Service officer or vice consul shall in any way be impaired by the provisions of sections 1-23, 23f-23l, title 22, of the United States Code: *Provided further*, That the bond of a Foreign Service officer shall be construed to be conditioned for the true and faithful performance of all acts of such officer incident to his office regardless of whether commissioned as diplomatic, consular, or Foreign Service officer. The bonds herein mentioned shall be deposited with the Secretary of the Treasury: *Provided further*, That nothing herein contained shall be deemed to obviate the necessity of furnishing any bond which may be required pursuant to the provisions of the Subsistence Expense Act of 1926, as amended."

SEC. 8. Section 19 of the Act of February 23, 1931, is amended to read as follows:

"SEC. 19. Under such regulations as the President may prescribe and within the limitations of such appropriations as may be made therefor, which appropriations are authorized, ambassadors, ministers, diplomatic, consular and Foreign Service officers may be granted allowances for living quarters, heat, light, fuel, gas, and electricity; for representation; and also post allowances wherever the cost of living may be proportionately so high that in the opinion of the Secretary of State such allowances are necessary to enable such diplomatic, consular, and Foreign Service officers to carry on their work efficiently: *Provided*, That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe and the authorization and approval of such expenditures by the Secretary of State as complying with such rules and regulations shall be binding upon all officers of the Government: *Provided further*, That the Secretary of State shall report all such expenditures annually to the Congress with the Budget estimates of the Department of State."

SEC. 9. Section 21 of the Act of February 23, 1931, is amended to read as follows:

"SEC. 21. That any Foreign Service officer may be assigned for duty in the Department of State or in any department or agency of the Government in the discretion of the Secretary of State without loss of class or salary, such assignment to be for a period of not more

Separate bond not required.

Existing bonds not impaired.

22 U. S. C., Supp. IV, §§ 17, 21.
Post, p. 105.
Coverage.

Deposit.

Necessity.

44 Stat. 688.
5 U. S. C. § 821;
Supp. IV, § 823.
46 Stat. 1209.
22 U. S. C. § 12.

Allowance for living quarters, etc.

Representation.
Post allowances.

Accounting.

Report to Congress.

46 Stat. 1209.
22 U. S. C. §§ 15, 16.

Assignment for duty in Government agencies.

than three years unless the public interest demands further service, when such assignment may be extended for a period not to exceed one year, upon completion of which four-year assignment and reassignment to the field, he may not again be assigned for duty in the Department of State or in any other department or agency of the Government until the expiration of at least three years of field duty. Any ambassador or minister, or any Foreign Service officer of whatever class, detailed for duty in connection with trade conferences, or international gatherings, congresses, or conferences, or for other special duty not at his post or the Department of State, except temporarily for purposes of consultation, shall be paid his salary and expenses of travel and subsistence at the rates prescribed by law."

SEC. 10. Section 31 of the Act of February 23, 1931, is amended to read as follows:

"SEC. 31. There shall be in the Department of State a Board of Foreign Service Personnel for the Foreign Service, whose duty it shall be to recommend promotions in the Foreign Service and to furnish the Secretary of State with lists of Foreign Service officers who have demonstrated special capacity for promotion to the grade of Minister or Ambassador. The Board shall be composed of not more than three Assistant Secretaries of State, one of whom shall be the Assistant Secretary of State having supervision over the Division of Foreign Service Personnel and who shall be Chairman, an officer of the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State, and an officer of the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State. The officer of the Department of Commerce shall sit as a member of the Board only when nominations and assignments of commercial attachés, the selection or assignment of Foreign Service officers for specialized training in commercial work or other matters of interest to the Department of Commerce are under consideration; the officer of the Department of Agriculture shall sit as a member of the Board only when nominations and assignments of agricultural attachés, the selection or assignment of Foreign Service officers for specialized training in agricultural work or other matters of interest to the Department of Agriculture are under consideration. The Chief of the Division of Foreign Service Personnel of the Department of State and one other member of that Division may attend the meetings of the Board and one of them shall act as secretary but they shall not be entitled to vote at its proceedings. No Foreign Service officer below class I shall be assigned as Chief of the Division of Foreign Service Personnel, nor shall such officer be given any authority except of a purely advisory character over promotions, demotions, transfers, or separations from the service of Foreign Service officers. The Director of the Office of the Foreign Service shall be assigned from among officers of the Foreign Service, but no Foreign Service officer below class I shall be so assigned."

SEC. 11. Revised Statutes 1699, 1700, and 1701 are hereby repealed.

SEC. 12. Section 7 of the Act of February 5, 1915 (38 Stat. 807), restricting the transaction of business by diplomatic officers, shall apply, with the exception of consular agents, to all officers and employees of the Foreign Service.

Approved May 3, 1945.

Special details; salary and expenses.

46 Stat. 1214.
22 U. S. C. §§ 23f, 23g.
Board of Foreign Service Personnel.

Composition.

Designations by Secretaries of Commerce and Agriculture.

Division of Foreign Service Personnel.

Director, Office of the Foreign Service.

22 U. S. C. §§ 106-108.
Business transactions, restriction.
22 U. S. C. § 38.