

(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.)

#### 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.)

#### 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.)

## SUBCHAPTER VI—PROMOTION AND RETENTION

### § 4001. Promotions

#### (a) Method of promotion

Career members of the Senior Foreign Service are promoted by appointment under section 3942(a) of this title to a higher salary class in the Senior Foreign Service. Members of the Senior Foreign Service serving under career candidate appointments or noncareer appointments are promoted by appointment under section 3943 of this title to a higher salary class in the Senior Foreign Service. Foreign Service officers, and Foreign Service personnel who are assigned to a class in the Foreign Service Schedule, are promoted by appointment under section 3942(a) of this title as career members of the Senior Foreign Service or by assignment under section 3964 of this title to a higher salary class in the Foreign Service Schedule.

#### (b) Recommendations and rankings of selection boards

Except as provided in section 4006(a) of this title, promotions of—

(1) members of the Senior Foreign Service, and

(2) members of the Service assigned to a salary class in the Foreign Service Schedule (including promotions of such members into the Senior Foreign Service),

shall be based upon the recommendations and rankings of selection boards established under section 4002 of this title, except that the Secretary may by regulation specify categories of career members, categories of career candidates, and other members of the Service assigned to salary classes in the Foreign Service Schedule who may receive promotions on the basis of satisfactory performance.

#### (c) Eligibility; request for promotion; time of consideration; withdrawal of request; basis for decision; affidavits

(1) Promotions into the Senior Foreign Service shall be recommended by selection boards only from among career members of the Service assigned to class 1 in the Foreign Service Schedule who request that they be considered for promotion into the Senior Foreign Service. The Secretary shall prescribe the length of the period after such a request is made (within any applicable time in class limitation established under section 4007(a) of this title) during which such members may be considered by selection

boards for entry into the Senior Foreign Service. A request by a member for consideration for promotion into the Senior Foreign Service under this subsection may be withdrawn by the member, but if it is withdrawn, that member may not thereafter request consideration for promotion into the Senior Foreign Service.

(2) Decisions by the Secretary on the numbers of individuals to be promoted into and retained in the Senior Foreign Service shall be based upon a systematic long-term projection of personnel flows and needs designed to provide—

(A) a regular, predictable flow of recruitment in the Service;

(B) effective career development patterns to meet the needs of the Service; and

(C) a regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service.

(3) The affidavit requirements of sections 3332 and 3333(a) of title 5 shall not apply with respect to a member of the Service who has previously complied with those requirements and who subsequently is promoted by appointment to any class in the Senior Foreign Service without a break in service.

(4) Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:

(A) A description of the steps taken and planned in furtherance of—

(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 3923 of this title, and

(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 3924 of this title.

(B) A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall delineate an intake program of generalist and specialist Foreign Service personnel to meet projected future requirements.

(5) If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).

(Pub. L. 96-465, title I, § 601, Oct. 17, 1980, 94 Stat. 2094; Pub. L. 100-204, title I, § 185(b), Dec. 22, 1987, 101 Stat. 1366; Pub. L. 103-236, title I, § 180(a)(6), Apr. 30, 1994, 108 Stat. 416; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title III, § 326], Nov. 29, 1999, 113 Stat. 1536, 1501A-437.)

#### AMENDMENTS

1999—Subsec. (c)(4), (5). Pub. L. 106-113 added pars. (4) and (5) and struck out former par. (4), which required

report not later than Mar. 1 of each year, describing steps taken and planned in furtherance of compatibility and development of uniform procedures and consolidated personnel functions, specifying upper and lower limits planned for recruitment, retention, and advancement of members, and specifying numbers of members assigned to positions more than one grade higher or lower than the member.

1994—Subsec. (b). Pub. L. 103-236, which directed amendment of par. (2) by striking “and” the last place it appears and by inserting “and other members of the Service” after “categories of career candidates,” was executed by striking “and” after “categories of career members,” and making the insertion in concluding provisions below par. (2), to reflect the probable intent of Congress.

1987—Subsec. (c)(4). Pub. L. 100-204 added par. (4).

#### REPORTS ELIMINATED

Pub. L. 104-66, title II, § 2241, Dec. 21, 1995, 109 Stat. 733, which provided that reports required under section 4001(c)(4) of this title would not cover activities of the United States Information Agency, was repealed by Pub. L. 105-277, div. G, subd. A, title XIII, § 1336(5), Oct. 21, 1998, 112 Stat. 2681-790.

#### LANGUAGE TRAINING IN FOREIGN SERVICE

Pub. L. 102-138, title I, § 155, Oct. 28, 1991, 105 Stat. 675, as amended by Pub. L. 105-277, div. G, subd. A, title XIII, § 1335(q), Oct. 21, 1998, 112 Stat. 2681-789, provided that: “The Department of State and the Department of Commerce shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.”

#### FOREIGN SERVICE PROMOTION PANELS

Pub. L. 101-246, title I, § 163, Feb. 16, 1990, 104 Stat. 47, as amended by Pub. L. 107-132, § 1(b), Jan. 16, 2002, 115 Stat. 2412, provided that: “It is the sense of the Congress that, to the greatest extent possible, Foreign Service promotion panels should—

“(1) only promote candidates to the Senior Foreign Service who have demonstrated foreign language proficiency in at least one language at the General Professional Speaking Proficiency level, as defined by the George P. Shultz National Foreign Affairs Training Center;

“(2) strive for the objective stipulated in the Foreign Service Manual ‘to be able to use two foreign languages at a minimum professional level of proficiency of S-3/R-3, which is the general professional speaking proficiency level’; and

“(3) have at least one person on each Foreign Service promotion panel who has attained at least the General Professional Speaking Proficiency level in one language level.”

#### LANGUAGE PROFICIENCY IN EMPLOYEE EVALUATION REPORT

Pub. L. 101-246, title I, § 164, Feb. 16, 1990, 104 Stat. 47, required revision of employee and officer evaluation reports for Foreign Service officers of Department of State and Agency for International Development to include separate assessment of employee’s effectiveness in using foreign language and required that precedence in promotion be given to officers achieving certain levels of proficiency in foreign language, prior to repeal by Pub. L. 103-236, title I, § 191(b), Apr. 30, 1994, 108 Stat. 418. See section 191(a) of Pub. L. 103-236, set out as a note under section 3926 of this title.

### § 4002. Establishment of selection boards

#### (a) Evaluation of performance; recommendations

The Secretary shall establish selection boards to evaluate the performance of members of the