

mittee on Foreign Relations of the Senate shall have each such report printed in the Congressional Record. As used in this paragraph, the term “contribution” has the same meaning given such term by section 30101(8) of title 52, and the term “immediate family” means the spouse of the nominee, and any child, parent, grandparent, brother, or sister of the nominee and the spouses of any of them.

(Pub. L. 96-465, title I, §304, Oct. 17, 1980, 94 Stat. 2085; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §208(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-422.)

AMENDMENTS

1999—Subsec. (c). Pub. L. 106-113 struck out subsec. (c) which read as follows: “Within 6 months after assuming the position, the chief of mission to a foreign country shall submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report describing his or her own foreign language competence and the foreign language competence of the mission staff in the principal language or other dialect of that country.”

PUBLIC AVAILABILITY OF REPORTS ON NOMINEES TO BE CHIEFS OF MISSION

Pub. L. 114-323, title VII, §712, Dec. 16, 2016, 130 Stat. 1945, provided that: “Not later than 7 days after submitting the report required under section 304(a)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3944(a)(4)) to the Committee on Foreign Relations of the Senate, the President shall make the report available to the public, including by posting the report on the website of the Department [of State] in a conspicuous manner and location.”

§ 3945. Senior Foreign Service

(a) Salary class

Appointment to the Senior Foreign Service shall be to a salary class established under section 3962 of this title, and not to a position.

(b) Limited appointment

An individual may not be given a limited appointment in the Senior Foreign Service if that appointment would cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total number of members of the Senior Foreign Service, except that (1) members of the Senior Foreign Service assigned to the Peace Corps shall be excluded in the calculation and application of this limitation, and (2) members of the Senior Foreign Service serving under limited appointments with reemployment rights under section 3950 of this title as career appointees in the Senior Executive Service shall be considered to be career members of the Senior Foreign Service for purposes of this subsection.

(c) Appointments by Secretary of Commerce

(1) Appointments to the Senior Foreign Service by the Secretary of Commerce shall be excluded in the calculation and application of the limitation in subsection (b).

(2) Except as provided in paragraph (3), no more than one individual (other than an individual with reemployment rights under section 3950 of this title as a career appointee in the Senior Executive Service) may serve under a limited appointment in the Senior Foreign Service in the Department of Commerce at any time.

(3) The Secretary of Commerce may appoint an individual to a limited appointment in the Senior Foreign Service for a specific position abroad if—

(A) no career member of the Service who has the necessary qualifications is available to serve in the position; and

(B) the individual appointed has unique qualifications for the specific position.

(d) Recertification process

The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3393a of title 5.¹

(Pub. L. 96-465, title I, §305, Oct. 17, 1980, 94 Stat. 2086; Pub. L. 99-93, title I, §119(a), Aug. 16, 1985, 99 Stat. 412; Pub. L. 101-194, title V, §506(c)(1), Nov. 30, 1989, 103 Stat. 1759; Pub. L. 101-280, §6(d)(3), May 4, 1990, 104 Stat. 160.)

REFERENCES IN TEXT

Section 3393a of title 5, referred to in subsec. (d), was repealed by Pub. L. 107-296, title XIII, §1321(a)(1)(B), Nov. 25, 2002, 116 Stat. 2296.

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-280 made technical correction to Pub. L. 101-194. See 1989 Amendment note below.

1989—Subsec. (d). Pub. L. 101-194, as amended by Pub. L. 101-280, added subsec. (d).

1985—Subsec. (c). Pub. L. 99-93 added subsec. (c).

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 506(d) of Pub. L. 101-194, set out as a note under section 3151 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-93, title I, §119(c), Aug. 16, 1985, 99 Stat. 412, provided that: “The amendments made by subsections (a) and (b) [amending this section and provisions set out as a note under section 3901 of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section effective Feb. 15, 1981, with an exception that appointments to the Senior Foreign Service by the Secretary of Commerce shall be excluded in the calculation and limitation in subsec. (b) of this section until Oct. 1, 1985, which was repealed by section 119(b) of Pub. L. 99-93, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of this title.

PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §324], Nov. 29, 1999, 113 Stat. 1536, 1501A-437, required the Director General of the Foreign Service to submit a report on the first day of each fiscal quarter to the appropriate congressional committees containing the number of members of the Senior Foreign Service, the number of vacant positions designated for such members, and the number of those members not assigned to positions, prior to repeal by Pub. L. 107-228, div. A, title VI, §671(4), Sept. 30, 2002, 116 Stat. 1407.

§ 3946. Career appointments

(a) Trial period under limited appointment

Before receiving a career appointment in the Service, an individual shall first serve under a

¹ See References in Text note below.