

vided, That the term ‘under the heading in this title’ or similar phrases means funds appropriated or otherwise made available only in such title.”]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 114–113, div. K, title VII, §7057(a)–(e), Dec. 18, 2015, 129 Stat. 2803, 2804.

Pub. L. 113–235, div. J, title VII, §7057(a)–(e), Dec. 16, 2014, 128 Stat. 2664, 2665.

Pub. L. 113–76, div. K, title VII, §7057(a)–(e), Jan. 17, 2014, 128 Stat. 549.

Pub. L. 112–74, div. I, title VII, §7057(a)–(e), Dec. 23, 2011, 125 Stat. 1244.

Pub. L. 111–117, div. F, title VII, §7059(a)–(g), Dec. 16, 2009, 123 Stat. 3380, 3381.

Pub. L. 111–8, div. H, title VII, §7059(a)–(g), Mar. 11, 2009, 123 Stat. 896.

Pub. L. 110–161, div. J, title VI, §676, Dec. 26, 2007, 121 Stat. 2357.

Pub. L. 109–102, title V, §577, Nov. 14, 2005, 119 Stat. 2231.

Pub. L. 108–447, div. D, title V, §588, Dec. 8, 2004, 118 Stat. 3034.

Pub. L. 108–199, div. D, title V, §525, Jan. 23, 2004, 118 Stat. 176, provided that: “Funds appropriated by this and subsequent appropriations Acts to carry out the provisions of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], including funds appropriated under the heading ‘Assistance for Eastern Europe and the Baltic States’, may be made available to employ individuals overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 [22 U.S.C. 3948, 3949]: *Provided*, That in fiscal years 2004, 2005, and 2006 the authority of this section may be used to hire not more than 85 individuals in each such year.”

§ 3949. Limited appointments

(a) A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in subsections (b) and (c), may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

(b) A limited appointment may be extended for continued service—

(1) as a consular agent;

(2) in accordance with section 3951(a) of this title;

(3) as a career candidate, if—

(A) continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under subchapter XI; or

(B) the individual is serving in the uniformed services (as defined in section 4303 of title 38) and the limited appointment expires in the course of such service;

(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency;

(5) as a foreign national employee;

(6) in exceptional circumstances if the Secretary determines the needs of the Service require the extension of—

(A) a limited noncareer appointment for a period not to exceed 1 year; or

(B) a limited appointment of a career candidate for the minimum time needed to resolve a grievance, claim, investigation, or complaint not otherwise provided for in this section.

(c)(1) Except as provided in paragraph (2) non-career employees who have served for 5 consecutive years under a limited appointment under this section may be reappointed to a subsequent noncareer limited appointment if there is at least a 1-year break in service before such new appointment.

(2) The Secretary may waive the 1-year break requirement under paragraph (1) in cases of special need.

(Pub. L. 96–465, title I, §309, Oct. 17, 1980, 94 Stat. 2086; Pub. L. 100–204, title I, §176, Dec. 22, 1987, 101 Stat. 1361; Pub. L. 103–236, title I, §180(a)(1), Apr. 30, 1994, 108 Stat. 415; Pub. L. 103–415, §1(hh), Oct. 25, 1994, 108 Stat. 4303; Pub. L. 114–323, title IV, §409, Dec. 16, 2016, 130 Stat. 1930.)

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–323, §409(1), substituted “subsections (b) and (c)” for “subsection (b)”.

Subsec. (b)(3). Pub. L. 114–323, §409(2)(A), substituted “if—” for “if”, inserted subpar. (A) designation before “continued service” and “or” after semicolon at end, and added subpar. (B).

Subsec. (b)(6). Pub. L. 114–323, §409(2)(B)–(D), added par. (6).

Subsec. (c). Pub. L. 114–323, §409(3), added subsec. (c). 1994—Subsec. (b)(5). Pub. L. 103–236, as amended by Pub. L. 103–415, added par. (5).

1987—Pub. L. 100–204 designated existing provisions as subsec. (a), substituted “subsection (b)” for “section 3951(a) of this title”, and added subsec. (b).

§ 3950. Reemployment rights following limited appointment

Any employee of an agency who accepts a limited appointment in the Service with the consent of the head of the agency in which the employee is employed shall be entitled, upon the termination of such limited appointment, to be reemployed in accordance with section 3597 of title 5.

(Pub. L. 96–465, title I, §310, Oct. 17, 1980, 94 Stat. 2087.)

ENTITLEMENT TO BENEFITS FOR SERVICES PERFORMED OUTSIDE UNITED STATES; SERVICE EXCEEDING THIRTY MONTHS

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or section 2385(d) of this title for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note set out under section 1754 of this title) and the Foreign Assistance Act of 1961 (section 2151 et seq. of this title) outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by this section in cases in which their service under the appointment, employment, or assignment exceeds thirty months. See Ex. Ord. No. 12163, §1–602(b), Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

§ 3951. United States citizens hired abroad

(a) Appointment of family members

The Secretary, under section 3943 of this title, may appoint United States citizens, who are family members of government employees assigned abroad or are hired for service at their post of residence, for employment in positions customarily filled by Foreign Service officers, Foreign Service personnel, and foreign national employees.