

**§ 4153. Conversion to Senior Foreign Service****(a) Criteria; application less than 120 days after effective date of Foreign Service Act of 1980**

Foreign Service officers and Foreign Service Reserve officers with limited or unlimited tenure who, immediately before February 15, 1981, are serving under appointments at class 2 or a higher class of the schedule established under section 412 or 414 of the Foreign Service Act of 1946 may at any time within 120 days after such date submit to the Secretary a written request for appointment to the Senior Foreign Service.

**(b) Limited appointment**

Except as provided in subsection (d), if a request is submitted under subsection (a) by a Foreign Service Reserve officer with limited tenure, the Secretary shall grant to such officer a limited appointment to the Senior Foreign Service in the appropriate class established under section 3962 of this title.

**(c) Career appointment**

If a request is submitted under subsection (a) by a Foreign Service officer or, except as provided in subsection (d), a Foreign Service Reserve officer with unlimited tenure, the Secretary shall recommend to the President a career appointment of such officer, by and with the advice and consent of the Senate, to the Senior Foreign Service in the appropriate class established under section 3962 of this title.

**(d) Availability for worldwide assignment**

If the Secretary determines that a Foreign Service Reserve officer with limited or unlimited tenure who submits a request under subsection (a) is not available for worldwide assignment, an appointment under subsection (b) or a recommendation for appointment under subsection (c) shall be made only if—

- (1) the Secretary certifies that there is a need for the services of such officer in the Senior Foreign Service; and
- (2) such officer agrees in writing to accept availability for worldwide assignment as a condition of continued employment.

**(e) Application more than 120 days after effective date of Foreign Service Act of 1980**

If a Foreign Service officer or a Foreign Service Reserve officer who is eligible to submit a request under subsection (a) submits a written request for appointment to the Senior Foreign Service to the Secretary more than 120 days after February 15, 1981, and before the end of the 3-year period beginning on February 15, 1981, the Secretary (in the case of a Foreign Service Reserve officer with limited tenure) may grant a limited appointment to, or (in the case of a Foreign Service officer or Foreign Service Reserve officer with unlimited tenure) may recommend to the President a career appointment of, the requesting officer to the appropriate class established under section 3962 of this title, subject to the conditions specified in subsection (d) and such other conditions as the Secretary may prescribe consistent with the provisions of subchapter VI of this chapter relating to promotion into the Senior Foreign Service.

**(f) Forced conversion**

Any officer of the Foreign Service who is eligible to submit a request under subsection (a) and—

- (1) who does not submit a request under subsection (a), or
- (2) who submits such a request more than 120 days after February 15, 1981, and is not appointed to the Senior Foreign Service for any reason other than failure to meet the conditions specified in subsection (d),

may not remain in the Foreign Service for more than 3 years after February 15, 1981. During such period, the officer shall be subject to the provisions of subchapters I to XI of this chapter applicable to members of the Senior Foreign Service, except that such officer shall not be eligible to compete for performance pay under section 3965 of this title, and shall not be eligible for a limited career extension as described in section 4007(b) of this title. Upon separation from the Service, any such officer who is a participant in the Foreign Service Retirement and Disability System shall be entitled to retirement benefits on the same basis as a member retired from the Senior Foreign Service under section 4007(c)(1) of this title, and section 4009(a)(2)(B) of this title shall be deemed to apply to such officer.

(Pub. L. 96-465, title II, §2103, Oct. 17, 1980, 94 Stat. 2149; Pub. L. 98-164, title I, §128, Nov. 22, 1983, 97 Stat. 1027.)

## REFERENCES IN TEXT

Sections 412 and 414 of the Foreign Service Act of 1946, referred to in subsec. (a), which were classified to sections 867 and 869, respectively, of this title, were repealed by Pub. L. 96-465, title II, §2205(1), Oct. 17, 1980, 94 Stat. 2159.

## CODIFICATION

In subsecs. (a), (e), and (f), “February 15, 1981” substituted for “the effective date of this Act” and “such effective date” pursuant to section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

## AMENDMENTS

1983—Subsec. (f). Pub. L. 98-164 substituted provisions relating to applicability of sections 4007(c)(1) and 4009(a)(2)(B) of this title, for provisions relating to applicability of subchapter VIII of this chapter.

**§ 4154. Conversion from Foreign Service****(a) Individuals serving under appointment**

In the case of any individual in the Foreign Service who, immediately before February 15, 1981, is serving under an appointment described in section 4152(a) or 4153(a) of this title and who is not converted under section 4152 or section 4153 of this title because such individual does not meet the conditions specified in section 4152(b) or 4153(d) of this title, the Secretary shall, not later than 3 years after February 15, 1981, provide that—

- (1) the position such individual holds shall be subject to chapter 51 and subchapter III of chapter 53 of title 5;
- (2) such individual shall be appointed to such position without competitive examination; and
- (3) such position shall be considered to be in the competitive service so long as the individual continues to hold that position;

except that any such individual who meets the eligibility requirements for the Senior Executive Service and who elects to join that Service shall be converted by the Secretary to the Senior Executive Service in the appropriate rate of basic pay established under section 5382 of title 5.

**(b) United States Information Agency individuals**

In the case of individuals in the Foreign Service in the United States Information Agency who immediately before October 17, 1980, are covered by a collective bargaining agreement between the Agency and the exclusive representative of those individuals, the 3-year period referred to in subsection (a) shall begin on July 1, 1981.

**(c) Department of State security officers**

The three-year period referred to in subsection (a) shall be extended for an additional period not to exceed one year from November 22, 1983, in the case of Department of State security officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions.

(Pub. L. 96-465, title II, §2104, Oct. 17, 1980, 94 Stat. 2150; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 98-164, title I, §132, Nov. 22, 1983, 97 Stat. 1028.)

CODIFICATION

In subsec. (a), “February 15, 1981” substituted for “the effective date of this Act” pursuant to section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

In subsec. (c), “November 22, 1983” was in the original “the date of enactment of this section” which was translated as meaning the date of enactment of this subsection, as the probable intent of Congress.

AMENDMENTS

1983—Subsec. (c). Pub. L. 98-164 added subsec. (c).

CHANGE OF NAME

“United States Information Agency” substituted for “International Communication Agency” in subsec. (b), pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title. United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

**§ 4155. Conversion of certain positions in Department of Agriculture**

**(a) Designation and classification of positions to be occupied; notice**

Not later than 15 days after February 15, 1981, the Secretary of Agriculture shall—

(1) designate and classify under section 3981 of this title those positions in the Foreign Agricultural Service under the General Schedule described in section 5332 of title 5 which the Secretary of Agriculture determines are to be occupied by career members of the Foreign Service, and

(2) provide written notice to individuals holding those positions of such designation and classification of the personnel category under section 3903 of this title which will apply to such individual.

**(b) Election to convert**

Each employee serving in a position at the time it is designated under subsection (a) shall, not later than 120 days after notice of such designation, elect—

(1) to accept conversion to the Foreign Service, in which case such employee shall be converted in accordance with the provisions of subsection (c); or

(2) to decline conversion to the Foreign Service and have the provisions of subsection (d) apply.

**(c) Recommendations for appointment**

(1) The Secretary of Agriculture shall recommend to the President for appointment to the appropriate class (as determined under paragraph (2)), by and with the advice and consent of the Senate, those employees who elect conversion under subsection (a)(1).

(2) The Secretary of Agriculture shall appoint as Foreign Service personnel those employees who elect to accept conversion and who are not eligible for appointment under paragraph (1).

**(d) Results of declining to convert**

Any employee who declines conversion under subsection (b)(2) shall for so long as that employee continues to hold the designated position be deemed to be a member of the Foreign Service for purposes of allowances, differentials, and similar benefits (as determined by the Secretary of Agriculture).

(Pub. L. 96-465, title II, §2105, Oct. 17, 1980, 94 Stat. 2150.)

CODIFICATION

In subsec. (a), “February 15, 1981” substituted for “the effective date of this Act” pursuant to section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

**§ 4156. Preservation of status and benefits**

**(a) Conversion to class, grade, or step corresponding to level prior to conversion; reduction in position or salary; conversion from Foreign Service under section 4154 of this title**

(1) Every individual who is converted under this subchapter shall be converted to the class or grade and pay rate that most closely corresponds to the class or grade and step at which the individual was serving immediately before conversion. No conversion under this subchapter shall cause any individual to incur a reduction in his or her class, grade, or basic rate of salary.

(2) An individual converted under section 4154 of this title to a position in the competitive service shall be entitled to have that position, or any other position to which the individual is subsequently assigned (other than at the request of the individual), be considered for all purposes as at the grade which corresponds to the class in which the individual served immediately before conversion so long as the individual continues to hold that position.