

Act of 1961 [22 U.S.C. 2151 et seq.], including funds appropriated under the heading ‘Assistance for Europe, Eurasia and Central Asia’, may be used by the United States Agency for International Development to hire and employ individuals in the United States and 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 and 3949).

“(b) RESTRICTION.—The authority to hire individuals contained in subsection (a) shall expire on September 30, 2022.

“(c) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II [title II of div. K of Pub. L. 116-260, 134 Stat. 1701] under the heading ‘Operating Expenses’.

“(d) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID [United States Agency for International Development], with funds made available in this Act [titles I to VII of div. K of Pub. L. 116-260, 134 Stat. 1691] or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-94, div. G, title VII, §7064(a)–(d), Dec. 20, 2019, 133 Stat. 2928, 2929, as amended by Pub. L. 116-136, div. B, title XI, §21004, Mar. 27, 2020, 134 Stat. 591.

Pub. L. 116-6, div. F, title VII, §7057(a)–(e), Feb. 15, 2019, 133 Stat. 371.

Pub. L. 115-141, div. K, title VII, §7057(a)–(e), Mar. 23, 2018, 132 Stat. 941.

Pub. L. 115-31, div. J, title VII, §7057(a)–(e), May 5, 2017, 131 Stat. 695.

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 sub-

sections (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.)

Editorial Notes

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 con-