Stat. 281; Pub. L. 108–447, div. B, title IV, § 412(a), Dec. 8, 2004, 118 Stat. 2905.)

Editorial Notes

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (a)(3)(A), is set out in section 5313 of Title 5, Government Organization and Employees.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–447, § 412(a)(1), substituted ''The President shall also prescribe ranges of basic salary rates for each class. Except as provided in paragraph (3), basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5.'' for ''The President shall also prescribe one or more basic salary rates for each class. Basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, and shall be adjusted at the same time and in the same manner as rates of basic pay are adjusted for the Senior Executive Service.''

Subsec. (a)(2), (3). Pub. L. 108–447, § 412(a)(2), added pars. (2) and (3) and struck out former par. (2) which read as follows: ''The Secretary shall determine which of the basic salary rates prescribed by the President under paragraph (1) for any salary class shall be paid to each member of the Senior Foreign Service who is appointed to that class. The Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.''

1982—Subsec. (a). Pub. L. 97–241 designated existing provisions as par. (1), inserted provision authorizing the President to prescribe one or more basic salary rates for each class, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Feb. 15, 1981, except that subsec. (a), for purposes of implementing section 4151 of this title, is effective Oct. 17, 1980, see section 2403(a) and (d)(2) of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

Executive Documents

ESTABLISHMENT OF SALARY CLASSES WITH TITLES FOR SENIOR FOREIGN SERVICE

For establishment of salary classes with titles for the Senior Foreign Service, at basic rates of pay equivalent to that established from time to time for the Senior Executive Service under section 5382 of Title 5, Government Organization and Employees, see section 4 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13969, set out as a note under section 3901 of this title.

§ 3963. Foreign Service Schedule

The President shall establish a Foreign Service Schedule which shall consist of 9 salary classes and which shall apply to members of the Service who are citizens of the United States and for whom salary rates are not otherwise provided for by this subchapter. The maximum salary rate for the highest class established under this section, which shall be designated class 1, may not exceed the maximum rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of title 5. Salary rates established under this section shall be adjusted in accordance with section 5303 of title 5.

(Pub. L. 96–465, title I, § 403, Oct. 17, 1980, 94 Stat. 2088; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(1)], Nov. 5, 1990, 104 Stat. 1427, 1439.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101–509 substituted ''section 5303'' for ''subchapter I of chapter 53''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title I, § 305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section effective Feb. 15, 1981, except that for purposes of implementing section 4151 of this title it is effective Oct. 17, 1980, see section 2403(a) and (d)(2) of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

Executive Documents

EXECUTIVE ORDER NO. 12249

Ex. Ord. No. 12249, Oct. 25, 1980, 45 F.R. 71347, which provided for a Foreign Service Schedule, was superseded by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

ADJUSTMENT OF FOREIGN SERVICE SCHEDULE

For adjustment of Foreign Service Schedule pay rates under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 3964. Assignments to salary class

(a) The Secretary shall assign all Foreign Service officers and Foreign Service personnel (other than Foreign Service personnel who are paid in accordance with section 3967 of this title or section 3968 of this title) to appropriate salary classes in the Foreign Service Schedule.

(b)(1) The salary class to which a member of the Service is assigned under this section shall not be affected by the assignment of the member to a position classified under subchapter V.

(2) Except as authorized by subchapter I of chapter 35 of title 5, changes in the salary class of a member of the Senior Foreign Service or a member of the Service assigned to a salary class in the Foreign Service Schedule shall be made only in accordance with subchapter VI. The Secretary shall prescribe regulations (which shall be consistent with the relevant provisions of subchapter VI of chapter 53 of title 5 and with the regulations prescribed to carry out such provisions) providing for retention of pay by members of the Service in cases in which reduction-in-force procedures are applied.

(Pub. L. 96–465, title I, § 404, Oct. 17, 1980, 94 Stat. 2088; Pub. L. 103–236, title I, § 180(a)(3), Apr. 30, 1994, 108 Stat. 415.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236 struck out ''who are family members of Government employees paid in ac-