

“(b) Employment of family members in accordance with this section may not be used to avoid fulfilling the need for full-time career positions.”

### § 3952. Diplomatic and consular missions

#### (a) Recommendations by Secretary of State; appointment by President; vice consul; performance of official functions under commission

The Secretary of State may recommend to the President that a member of the Service who is a citizen of the United States be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such member of the Service as a diplomatic or consular officer or both. The Secretary of State may commission as a vice consul a member of the Service who is a citizen of the United States. All official functions performed by a diplomatic or consular officer, including a vice consul, shall be performed under such a commission.

#### (b) Function of commissioned Service members

Members of the Service commissioned under this section may, in accordance with their commissions, perform any function which any category of diplomatic officer (other than a chief of mission) or consular officer is authorized by law to perform.

#### (c) Limits of consular districts

The Secretary of State shall define the limits of consular districts.

(Pub. L. 96-465, title I, § 312, Oct. 17, 1980, 94 Stat. 2087.)

## SUBCHAPTER IV—COMPENSATION

### § 3961. Salaries of chiefs of mission

(a) Except as provided in section 3942(b) of this title, each chief of mission shall receive a salary, as determined by the President, at one of the annual rates payable for levels II through V of the Executive Schedule under sections 5313 through 5316 of title 5, except that the total compensation, exclusive of danger pay, for any chief of mission shall be subject to the limitation on certain payments under section 5307 of title 5 or the limitation under section 3962(a)(3) of this title, whichever is higher.

(b) The salary of a chief of mission shall commence upon the effective date of appointment to that position. The official services of a chief of mission are not terminated by the appointment of a successor, but shall continue for such additional period, not to exceed 50 days after relinquishment of charge of the mission, as the Secretary of State may determine. During that period, the Secretary of State may require the chief of mission to perform such functions as the Secretary of State deems necessary in the interest of the Government.

(Pub. L. 96-465, title I, § 401, Oct. 17, 1980, 94 Stat. 2087; Pub. L. 100-204, title I, § 177(a), Dec. 22, 1987, 101 Stat. 1362; Pub. L. 102-138, title I, § 142(b), Oct. 28, 1991, 105 Stat. 668; Pub. L. 108-447, div. B, title IV, § 412(c), Dec. 8, 2004, 118 Stat. 2905.)

## Editorial Notes

### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-447, which directed the substitution of “shall be subject to the limitation on certain payments under section 5307 of title 5 or the limitation under section 3962(a)(3) of this title, whichever is higher” for “shall not exceed the annual rate of pay payable for level I of such Executive Schedule”, was executed by making the substitution for “shall not exceed the annual rate payable for level I of such Executive Schedule” to reflect the probable intent of Congress.

1991—Subsec. (a). Pub. L. 102-138 substituted “Except as provided in section 3942(b) of this title, each” for “Each” and “level I of such” for “level II of such”.

1987—Subsec. (a). Pub. L. 100-204 substituted “Each chief” for “Except as provided in section 3942(b) of this title, each chief”, and inserted before period at end “, except that the total compensation, exclusive of danger pay, for any chief of mission shall not exceed the annual rate payable for level II of such Executive Schedule”.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-204 not applicable to salary of any individual serving under Presidential appointment under section 3942 of this title immediately before Dec. 22, 1987, during the period such individual continues to serve in such position, see section 177(c) of Pub. L. 100-204, set out as a note under section 3942 of this title.

### § 3962. Salaries of Senior Foreign Service members

#### (a) Prescription by President; basic salary rates; adjustments; determinations by Secretary

(1) The President shall prescribe salary classes for the Senior Foreign Service and shall prescribe an appropriate title for each class. 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.

(2) The Secretary shall determine which basic salary rate within the ranges prescribed by the President under paragraph (1) shall be paid to each member of the Senior Foreign Service based on individual performance, contribution to the mission of the Department, or both, as determined under a rigorous performance management system. Except as provided in regulations prescribed by the Secretary and, to the extent possible, consistent with regulations governing the Senior Executive Service, 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.

(3) Upon a determination by the Secretary that the Senior Foreign Service performance appraisal system, as designed and applied, makes meaningful distinctions based on relative performance—

(A) the maximum rate of basic pay payable for the Senior Foreign Service shall be level II of the Executive Schedule; and

(B) the applicable aggregate pay cap shall be equivalent to the aggregate pay cap set forth