

Oct. 28, 1991, 105 Stat. 668, 669; Pub. L. 107-228, div. A, title III, §§ 315(a), 328, Sept. 30, 2002, 116 Stat. 1379, 1387; Pub. L. 109-234, title I, § 1602(d)(1), June 15, 2006, 120 Stat. 442; Pub. L. 110-321, § 2(1), Sept. 19, 2008, 122 Stat. 3535; Pub. L. 117-81, div. E, title LIII, § 5304, Dec. 27, 2021, 135 Stat. 2361.)

Editorial Notes

AMENDMENTS

2021—Par. (15). Pub. L. 117-81, § 5304(1), in introductory provisions, substituted “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year” for “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad”.

Pub. L. 117-81, § 5304(5), in concluding provisions, substituted “the cost of round-trip travel” for “a payment”.

Par. (15)(A) to (C). Pub. L. 117-81, § 5304(2)–(4), inserted “for each child” at beginning of subpars. (A) and (B) and added subpar. (C).

2008—Par. (6)(B). Pub. L. 110-321 inserted “or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands” after “United States”.

2006—Par. (6). Pub. L. 109-234, which directed amendment of section 901(6) of the Foreign Service Act by striking out “unbroken by home leave” wherever appearing, was executed by striking out those words after “2-year tour” and “3-year tour” in concluding provisions of par. (6) of this section, which is section 901 of the Foreign Service Act of 1980, to reflect the probable intent of Congress.

2002—Par. (8). Pub. L. 107-228, § 315(a), substituted “Service, and members of his or her family,” for “Service”.

Par. (15). Pub. L. 107-228, § 328, in concluding provisions, substituted “residence of the other parent, or between the post to which the member is assigned and the residence of the child if the child does not reside with a parent” for “port of entry in the contiguous 48 States which is nearest to that post”.

1991—Par. (10). Pub. L. 102-138, § 146, inserted before semicolon “or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant”.

Par. (12)(B). Pub. L. 102-138, § 145(1), inserted before semicolon “, except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days”.

Par. (12)(C). Pub. L. 102-138, § 145(2), inserted before semicolon “, except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days”.

1990—Par. (9). Pub. L. 101-246 amended par. (9) generally. Prior to amendment, par. (9) read as follows: “round-trip travel from a location abroad for purposes of family visitation in emergency situations involving personal hardship;”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-228, div. A, title III, § 315(c), Sept. 30, 2002, 116 Stat. 1379, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.” [Guidance in the form of a State Department cable was issued Nov. 5, 2002.]

[For definition of “Secretary” as used in section 315(c) of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

PROMULGATION OF GUIDANCE

Pub. L. 107-228, div. A, title III, § 315(b), Sept. 30, 2002, 116 Stat. 1379, provided that: “The Secretary shall pro-

mulgate guidance for the implementation of the amendment made by subsection (a) [amending this section] to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).”

[For definitions of “Secretary” and “Department” as used in section 315(b) of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

§ 4081a. Exception for Government-financed air transportation; reducing hardship for transportation of domestic animals

(1) In general

Notwithstanding subsections (a) and (c) of section 40118 of title 49, the Department and the United States Agency for International Development (USAID), and other United States Government employees under chief of mission authority are authorized to pay for the transportation by a foreign air carrier of Department and USAID personnel, and other United States Government employees under chief of mission authority and any in-cabin or accompanying checked baggage or cargo if—

(A) no air carrier holding a certificate under section 41102 of such title is willing and able to transport up to 3 domestic animals accompanying such Federal personnel; and

(B) the transportation is from a place—

(i) outside the United States to a place in the United States;

(ii) in the United States to a place outside the United States; or

(iii) outside the United States to another place outside the United States.

(2) Limitation

An amount paid pursuant to paragraph (1) for transportation by a foreign carrier may not be greater than the amount that would otherwise have been paid had the transportation been on an air carrier holding a certificate under section 41102 had that carrier been willing and able to provide such transportation. If the amount that would otherwise have been paid to such an air carrier is less than the cost of transportation on the applicable foreign carrier, the Department personnel may pay the difference of such amount.

(3) Domestic animal defined

In this subsection, the term “domestic animal” means a dog or a cat.

(Pub. L. 118-31, div. F, title LXII, § 6224(a), Dec. 22, 2023, 137 Stat. 979; Pub. L. 118-159, div. G, title LXXXVI, § 7604, Dec. 23, 2024, 138 Stat. 2553.)

Editorial Notes

REFERENCES IN TEXT

This subsection, referred to in par. (3), means subsec. (a) of section 6224 of Pub. L. 118-31, which is classified to this section.

CODIFICATION

Section was enacted as part of the Department of State Authorization Act of 2023, and also as part of the National Defense Authorization Act for Fiscal Year 2024, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

AMENDMENTS

2024—Par. (1). Pub. L. 118-159, in introductory provisions, substituted “the Department and the United States Agency for International Development (USAID), and other United States Government employees under chief of mission authority are” for “the Department is” and “Department and USAID personnel, and other United States Government employees under chief of mission authority” for “Department personnel”.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Department” as used in this section, see section 6002 of Pub. L. 118-31, set out as a note under section 2651 of this title.

§ 4081b. Presence of chiefs of mission at diplomatic posts**(a) Requirement for arrival at diplomatic post within 60 days****(1) In general**

The Secretary shall require that to be eligible for payment of travel expenses for initial arrival at the assigned post, a chief of mission must arrive at the post not later than 60 days after the date on which the chief of mission was confirmed by the Senate.

(2) Exceptions

The restriction under paragraph (1) shall not apply to a chief of mission who arrives later than 60 days after confirmation by the Senate if the delay was caused by one or more of the following:

(A) A flight delay that was outside of the control of the chief of mission or the Department.

(B) A natural disaster, global health emergency, or other naturally occurring event that prevented the chief of mission from entering the country of the assigned post.

(C) Delay or refusal by the government of the host country to accept diplomatic accreditation.

(D) Family or medical emergency.

(E) Extenuating circumstances beyond the control of the chief of mission.

(3) Waiver

The Secretary may waive the requirement under paragraph (1) upon a determination that extenuating circumstances warrant such a waiver and upon submission of a brief description of the determination to the appropriate congressional committees.

(4) Notification required

Not later than 90 days after December 23, 2024, and in each case that a chief of mission arrives at an assigned post more than 60 days after confirmation, the Secretary shall submit to the appropriate congressional committees a report identifying any chief of mission who arrived at the assigned post more than 60 days after confirmation by the Senate, and includes a description of the justification.

(b) Notifications on departures of chiefs of mission

Beginning on April 1, 2025, for 5 years, the Secretary shall notify the appropriate congres-

sional committees of any chief of mission who has permanently departed from the assigned post within 90 days of the departure.

(Pub. L. 118-159, div. G, title LXXII, § 7202, Dec. 23, 2024, 138 Stat. 2528.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorization Act for Fiscal Year 2025, and also as part of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in this section, see section 7002 of Pub. L. 118-159, set out as a note under section 2651 of this title.

§ 4082. Loan of household effects

The Secretary may, as a means of eliminating transportation costs, provide members of the Service with basic household furnishing and equipment for use on a loan basis in personally owned or leased residences.

(Pub. L. 96-465, title I, § 902, Oct. 17, 1980, 94 Stat. 2127.)

§ 4083. Required leave**(a) Criteria; length of continuous service**

The Secretary may order a member of the Service (other than a member employed under section 3951 of this title) who is a citizen of the United States to take a leave of absence under section 6305 of title 5 (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of 12 months of continuous service abroad. The Secretary shall order on such a leave of absence a member of the Service (other than a member employed under section 3951 of this title) who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

(b) Place leave may be taken

Leave ordered under this section may be taken in the United States or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands. In cases in which a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, the member may take the leave ordered under this section where that member’s family members reside, notwithstanding section 10305 of title 5.

(c) Availability for work or duties in Department

While on a leave of absence ordered under this section, the services of any member of the Service shall be available for such work or duties in the Department or elsewhere as the Secretary may prescribe, but the time of such work or duties shall not be counted as leave.