

(Pub. L. 96-465, title I, §903, Oct. 17, 1980, 94 Stat. 2127; Pub. L. 103-236, title I, §180(a)(8), Apr. 30, 1994, 108 Stat. 416; Pub. L. 109-234, title I, §1602(d)(2), June 15, 2006, 120 Stat. 442; Pub. L. 110-321, §2(2), Sept. 19, 2008, 122 Stat. 3535; Pub. L. 117-81, div. E, title LIII, §5305, Dec. 27, 2021, 135 Stat. 2362.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117-81 inserted at end “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.”

2008—Subsec. (b). Pub. L. 110-321 substituted “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” for “, its territories and possessions, or the Commonwealth of Puerto Rico”.

2006—Subsec. (a). Pub. L. 109-234, which directed substitution of “12 months” for “18 months” in section 903(a) of the Foreign Service Act, was executed to subsec. (a) of this section, which is section 903 of the Foreign Service Act of 1980, to reflect the probable intent of Congress.

1994—Subsec. (a). Pub. L. 103-236 inserted “(other than a member employed under section 3951 of this title)” after “member of the Service” in two places.

§ 4083a. Rest and recuperation leave

(a) Definitions

In this section—

(1) the term “agency” means an Executive agency (as that term is defined in section 105 of title 5), but does not include the Government Accountability Office;

(2) the term “combat zone” means a geographic area designated by an Executive order of the President as an area in which the Armed Forces are engaging or have engaged in combat, an area designated by law to be treated as a combat zone, or a location the Department of Defense has certified for combat zone tax benefits due to its direct support of military operations;

(3) the term “employee” means an officer or an individual who is—

(A) appointed in the civil service, the Foreign Service, or any appointment authority other than the uniformed services (as that term is defined in section 101 of title 37), by one of the following acting in an official capacity:

- (i) The President.
- (ii) A Member or Members of Congress, or Congress.
- (iii) An individual who is an employee under this section.
- (iv) The head of a Government-controlled corporation;

(B) engaged in the performance of a Federal function under authority of law or an Executive act; and

(C) subject to the supervision of an individual described in subparagraph (A) while engaged in the performance of the duties of his or her position;

(4) the term “high risk, high threat post” has the meaning given that term in section 4803 of this title; and

(5) the term “leave year” means the period beginning on the first day of the first complete pay period in a calendar year and ending on the day immediately before the first day of the first complete pay period in the following calendar year.

(b) Leave for rest and recuperation

The Secretary or other head of an agency may prescribe regulations to grant up to 20 days of paid leave, per leave year, for the purposes of rest and recuperation to an employee of the agency serving in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges.

(c) Discretionary authority of the Secretary or other agency head

Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

(d) Records

An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

(Pub. L. 96-465, title I, §903a, as added Pub. L. 118-159, div. G, title LXXII, §7215(a), Dec. 23, 2024, 138 Stat. 2536.)

§ 4083b. Overseas operations leave

(a) Definitions

In this section—

(1) the term “agency” means an Executive agency (as that term is defined in section 105 of title 5), but does not include the Government Accountability Office.

(2) the term “employee” means an officer or an individual who is—

(A) appointed in the civil service, the Foreign Service, or any appointment authority other than the uniformed services (as that term is defined in section 101 of title 37), by one of the following acting in an official capacity:

- (i) The President.
- (ii) A Member or Members of Congress, or Congress.
- (iii) An individual who is an employee under this section.
- (iv) The head of a Government-controlled corporation;

(B) engaged in the performance of a Federal function under authority of law or an Executive act; and

(C) subject to the supervision of an individual described in subparagraph (A) while engaged in the performance of the duties of his or her position; and

(3) the term “leave year” means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(b) Leave for overseas operations

The Secretary or other head of an agency may prescribe regulations to grant up to 10 days of

paid leave, per leave year, to an employee of the agency serving abroad for the purpose of local holidays.

(c) Discretionary authority of the Secretary or other agency head

Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

(Pub. L. 96-465, title I, §903b, as added Pub. L. 118-159, div. G, title LXXII, §7215(a), Dec. 23, 2024, 138 Stat. 2537.)

§ 4084. Health care program

(a) Establishment

The Secretary of State shall establish a health care program to promote and maintain the physical and mental health of members of the Service, and (when incident to service abroad) other designated eligible Government employees, and members of the families of such members and employees.

(b) Services provided

Any such health care program may include (1) medical examinations for applicants for employment, (2) medical examinations and inoculations or vaccinations, and other preventive and remedial care and services as necessary, for members of the Service and employees of the Department who are citizens of the United States and for members of their families, (3) health education and disease prevention programs for all employees, and (4) examinations necessary in order to establish disability or incapacity of participants in the Foreign Service Retirement and Disability System or Foreign Service Pension System or to provide survivor benefits under subchapter VIII.

(c) Facilities; employment of personnel

The Secretary of State may establish health care facilities and provide for the services of physicians, nurses, or other health care personnel at Foreign Service posts abroad at which, in the opinion of the Secretary of State, a sufficient number of Government employees are assigned to warrant such facilities or services.

(d) Costs of treatment

If an individual eligible for health care under this section incurs an illness, injury, or medical condition which requires treatment while assigned to a post abroad or located overseas pursuant to Government authorization, the Secretary may pay the cost of such treatment.

(e) Death or separation of member

Health care may be provided under this section to a member of the Service or other designated eligible Government employee after the separation of such member or employee from Government service. Health care may be provided under this section to a member of the family of a member of the Service or of a designated eligible Government employee after the separation from Government service or the death of such member of the Service or employee or after dissolution of the marriage.

(f) Review; medical care contracts

The Secretary of State shall review on a continuing basis the health care program provided

for in this section. Whenever the Secretary of State determines that all or any part of such program can be provided for as well and as cheaply in other ways, the Secretary may, for such individuals, locations, and conditions as the Secretary of State deems appropriate, contract for health care pursuant to such arrangements as the Secretary deems appropriate.

(g) Retention of medical reimbursements

Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Such reimbursements shall be available for obligation and expenditure during the fiscal year in which they are received or for such longer period of time as may be provided in law.

(Pub. L. 96-465, title I, §904, Oct. 17, 1980, 94 Stat. 2127; Pub. L. 99-93, title I, §122, Aug. 16, 1985, 99 Stat. 413; Pub. L. 100-238, title II, §243, Jan. 8, 1988, 101 Stat. 1776; Pub. L. 107-228, div. A, title III, §316, Sept. 30, 2002, 116 Stat. 1379; Pub. L. 109-140, §2, Dec. 22, 2005, 119 Stat. 2650.)

Editorial Notes

AMENDMENTS

2005—Subsec. (g). Pub. L. 109-140 added subsec. (g).

2002—Subsec. (b). Pub. L. 107-228 substituted “families, (3) health education and disease prevention programs for all employees, and (4)” for “families, and (3)”.

1988—Subsec. (b). Pub. L. 100-238 inserted “or Foreign Service Pension System” after “System”.

1985—Subsec. (a). Pub. L. 99-93, §122(1), substituted “shall” for “may”.

Subsec. (b). Pub. L. 99-93, §122(2), inserted “, and other preventive and remedial care and services as necessary,”.

Subsec. (d). Pub. L. 99-93, §122(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “If an individual eligible for health care under this section incurs an illness, injury, or medical condition while abroad which requires hospitalization or similar treatment, the Secretary may pay all or part of the cost of such treatment. Limitations on such payments established by regulation may be waived whenever the Secretary determines that the illness, injury, or medical condition clearly was caused or materially aggravated by the fact that the individual concerned is or has been located abroad.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-238 effective 90 days after Jan. 8, 1988, see section 261(a) of Pub. L. 100-238, set out as a note under section 4054 of this title.

ELECTRONIC MEDICAL RECORDS REQUIREMENT

Pub. L. 118-159, div. G, title LXXI, §7103(b), Dec. 23, 2024, 138 Stat. 2522, provided that: “Not later than December 31, 2027, the Secretary [of State] shall have fully implemented an electronic medical records process or system for all Foreign Service personnel and their Eligible Family Members that eliminates reliance on paper medical records and includes appropriate safeguards to protect personal privacy.”

IMPROVING MENTAL HEALTH SERVICES FOR FOREIGN AND CIVIL SERVANTS

Pub. L. 118-31, div. F, title LXII, §6222(a), Dec. 22, 2023, 137 Stat. 978, provided that: