

may prescribe, but the time of such work or duties shall not be counted as leave.

(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.)

AMENDMENTS

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.

§ 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 of this chapter.

(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.)

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.”

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.

§ 4085. Entertainment and representation expenses

Notwithstanding section 5536 of title 5, the Secretary may provide for official receptions and may pay entertainment and representa-

tional expenses (including expenses of family members) to enable the Department and the Service to provide for the proper representation of the United States and its interests. In carrying out this section, the Secretary shall, to the maximum extent practicable, provide for the use of United States products, including American wine.

(Pub. L. 96-465, title I, §905, Oct. 17, 1980, 94 Stat. 2128.)

§ 4086. Entitlement to vote in a State in a Federal election; preconditions; applicability

(a) Except as provided in subsection (b) of this section and in such manner as shall be otherwise authorized by a State or other jurisdiction within the territory of the United States, a member of the Service residing outside the United States shall, in addition to any entitlement to vote in a State in a Federal election under section 3 of the Overseas Citizens Voting Rights Act (42 U.S.C. 1973dd-1), be entitled to vote in a Federal election in the State in which such member was last domiciled immediately before entering the Service if such member—

- (1) makes an election of that State;
- (2) notifies that State of such election and notifies any other States in which he or she is entitled to vote of such election; and
- (3) otherwise meets the requirements of such Act [42 U.S.C. 1973dd et seq.].

(b) The provisions of subsection (a) of this section shall apply only to an individual who becomes a member of the Service on or after November 22, 1983, and shall not apply to an individual who registers to vote in a State in which he is entitled to vote under section 3 of Overseas Citizens Voting Rights Act [42 U.S.C. 1973dd-1].

(Pub. L. 96-465, title I, §906, as added Pub. L. 98-164, title I, §129(a), Nov. 22, 1983, 97 Stat. 1027.)

REFERENCES IN TEXT

The Overseas Citizens Voting Rights Act, referred to in text, probably means the Overseas Citizens Voting Rights Act of 1975, Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1142, as amended, which was classified generally to subchapter I-E (§1973dd et seq.) of chapter 20 of Title 42, The Public Health and Welfare, and which was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930. See section 1973ff et seq. of Title 42.

SUBCHAPTER X—LABOR-MANAGEMENT RELATIONS

§ 4101. Congressional findings and policy

The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of workers to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

- (A) safeguards the public interest,
- (B) contributes to the effective conduct of public business, and
- (C) facilitates and encourages the amicable settlement of disputes between workers and their employers involving conditions of employment;

(2) the public interest demands the highest standards of performance by members of the

Service and the continuous development and implementation of modern and progressive work practices to facilitate improved performance and efficiency; and

(3) the unique conditions of Foreign Service employment require a distinct framework for the development and implementation of modern, constructive, and cooperative relationships between management officials and organizations representing members of the Service.

Therefore, labor organizations and collective bargaining in the Service are in the public interest and are consistent with the requirement of an effective and efficient Government. The provisions of this subchapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.

(Pub. L. 96-465, title I, §1001, Oct. 17, 1980, 94 Stat. 2128.)

§ 4102. Definitions

As used in this subchapter, the term—

(1) “Authority” means the Federal Labor Relations Authority, described in section 7104(a) of title 5;

(2) “Board” means the Foreign Service Labor Relations Board, established by section 4106(a) of this title;

(3) “collective bargaining” means the performance of the mutual obligation of the management representative of the Department and of the exclusive representative of employees to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting employees, and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but this obligation does not compel either party to agree to a proposal or to make a concession;

(4) “collective bargaining agreement” means an agreement entered into as a result of collective bargaining under the provisions of this subchapter;

(5) “conditions of employment” means personnel policies, practices, and matters, whether established by regulation or otherwise, affecting working conditions, but does not include policies, practices, and matters—

(A) relating to political activities prohibited abroad or prohibited under subchapter III of chapter 73 of title 5;

(B) relating to the designation or classification of any position under section 3981 of this title;

(C) to the extent such matters are specifically provided for by Federal statute; or

(D) relating to Government-wide or multi-agency responsibility of the Secretary affecting the rights, benefits, or obligations of individuals employed in agencies other than those which are authorized to utilize the Foreign Service personnel system;

(6) “confidential employee” means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations;