

of title 5, United States Code, as amended by subsection (b), and danger pay allowances under section 5928 of title 5, United States Code, as amended by subsection (c)."

EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM

Pub. L. 102-190, div. A, title X, §1093, Dec. 5, 1991, 105 Stat. 1487, provided that:

"(a) **WAIVER OF REQUIREMENT THAT EMPLOYEE BE DETAILED TO A POST FOR AN 'EXTENDED' PERIOD.**—An individual who performed service of a type described in subsection (b) shall, upon appropriate written application, be granted the total amount to which such individual would have been entitled for such service under section 5925(a) of title 5, United States Code, disregarding any eligibility requirement relating to the minimum period of time for which an individual must serve at, or be detailed to, a post.

"(b) **DESCRIPTION OF SERVICE INVOLVED.**—This section applies with respect to any period of service if, or to the extent that—

"(1) it was performed as an employee—

"(A) in connection with Operation Desert Storm;

"(B) during the Persian Gulf conflict;

"(C) at a post within the area designated by the President, in Executive Order 12744 [26 U.S.C. 112 note], as a 'combat zone' for purposes of section 112 of the Internal Revenue Code of 1986 [26 U.S.C. 112]; and

"(D) while a differential under section 5925(a) of title 5, United States Code, was authorized with respect to such post; and

"(2) no differential under such section 5925(a) was granted to such employee for such service.

"(c) **REGULATIONS.**—The President may prescribe any regulations necessary to carry out this section.

"(d) **DEFINITIONS.**—For the purpose of this section—

"(1) the term 'employee' has the meaning given such term by section 5921(3) of title 5, United States Code;

"(2) the term 'Operation Desert Storm' has the meaning given such term by section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 [Pub. L. 102-25] (10 U.S.C. 101 note); and

"(3) the term 'Persian Gulf conflict' means the period beginning on August 2, 1990, and ending on June 2, 1991."

§ 5926. Compensatory time off at certain posts in foreign areas

(a) Under regulations prescribed pursuant to this subchapter, and notwithstanding subchapter V of chapter 55 of this title or any other law, the head of an agency may, on request of an employee serving in a foreign area—

(1) at an isolated post performing functions required to be maintained on a substantially continuous basis, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work; or

(2) at a post in a locality that customarily observes irregular hours of work or where other special conditions are present, in order to cope with those special circumstances, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work for use during the pay period in which it is earned.

Credit for compensatory time off earned under paragraph (2) shall not form the basis for any additional compensation.

(b) Compensatory time earned under this section shall be for use only while the employee is

assigned to the post where it is earned. Any such compensatory time not used at the time the employee is reassigned to another post shall be forfeited.

(Added Pub. L. 95-426, title IV, §411(a), Oct. 7, 1978, 92 Stat. 980.)

§ 5927. Advances of pay

(a) Up to three months' pay may be paid in advance—

(1) to an employee upon the assignment of the employee to a post in a foreign area;

(2) to an employee, other than an employee appointed under section 303 of the Foreign Service Act of 1980 (and employed under section 311 of such Act), who—

(A) is a citizen of the United States;

(B) is officially stationed or located outside the United States pursuant to Government authorization; and

(C) requires (or has a family member who requires) medical treatment outside the United States, in circumstances specified by the President in regulations; and

(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

(A) pursuant to United States Government authorization is located outside the country of employment; and

(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.

(b) For the purpose of this section, the term "country of employment", as used with respect to an individual under subsection (a)(3), means the country (or other area) outside the United States where such individual is hired (as described in subsection (a)(3)) by the Government.

(Added Pub. L. 96-465, title II, §2310(a), Oct. 17, 1980, 94 Stat. 2166; amended Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §337], Nov. 29, 1999, 113 Stat. 1536, 1501A-442; Pub. L. 107-228, div. A, title III, §320, Sept. 30, 2002, 116 Stat. 1380.)

REFERENCES IN TEXT

Sections 303, 311, and 408 of the Foreign Service Act of 1980, referred to in subsec. (a)(2), (3), are classified to sections 3943, 3951, and 3968, respectively, of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2002—Subsec. (a)(3). Pub. L. 107-228, §320(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "to a foreign national employee appointed under section 303 of the Foreign Service Act of 1980, or a nonfamily member United States citizen appointed under such section 303 (and employed under section 311 of such Act) for service at such nonfamily member's post of residence, who—

"(A) is located outside the country of employment of such foreign national employee or nonfamily member (as the case may be) pursuant to Government authorization; and

"(B) requires medical treatment outside the country of employment of such foreign national employee or nonfamily member (as the case may be), in circumstances specified by the President in regulations."

Subsec. (b). Pub. L. 107-228, §320(2), substituted "hired" for "appointed".

1999—Pub. L. 106-113 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Up to three months’ pay may be paid in advance to an employee upon the assignment of the employee to a post in a foreign area.”

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of Title 22, Foreign Relations and Intercourse.

§ 5928. Danger pay allowance

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed 35 percent of the basic pay of the employee, except that if an employee is granted an additional differential under section 5925(b) of this title with respect to an assignment, the sum of that additional differential and any danger pay allowance granted to the employee with respect to that assignment may not exceed 35 percent of the basic pay of the employee. The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.

(Added Pub. L. 96-465, title II, §2311(a), Oct. 17, 1980, 94 Stat. 2166; amended Pub. L. 98-164, title I, §131, Nov. 22, 1983, 97 Stat. 1028; Pub. L. 108-199, div. D, title V, §591(b), Jan. 23, 2004, 118 Stat. 207; Pub. L. 109-140, §4(c), Dec. 22, 2005, 119 Stat. 2651.)

AMENDMENTS

2005—Pub. L. 109-140 substituted “35 percent of the basic pay of the employee” for “25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development” in two places.

2004—Pub. L. 108-199 inserted “or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development” after “25 percent of the basic pay of the employee” in two places.

1983—Pub. L. 98-164 inserted provision that presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section, and that each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of action taken and circumstances justifying it.

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of Title 22, Foreign Relations and Intercourse.

DANGER PAY ALLOWANCE; DEA OR FBI EMPLOYEE

Pub. L. 101-246, title I, §151, Feb. 16, 1990, 104 Stat. 42, as amended by Pub. L. 107-273, div. C, title I, §11005,

Nov. 2, 2002, 116 Stat. 1817, provided that: “The Secretary of State may not deny a request by the Drug Enforcement Administration or Federal Bureau of Investigation to authorize a danger pay allowance (under section 5928 of title 5, United States Code) for any employee of such agency.”

GREATER UTILIZATION OF DANGER PAY ALLOWANCE

Pub. L. 98-533, title III, §304, Oct. 19, 1984, 98 Stat. 2711, provided that: “In recognition of the current epidemic of worldwide terrorist activity and the courage and sacrifice of employees of United States agencies overseas, civilian as well as military, it is the sense of Congress that the provisions of section 5928 of title 5, United States Code, relating to the payment of danger pay allowance, should be more extensively utilized at United States missions abroad.”

SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE

Pub. L. 106-567, title IV, §406, Dec. 27, 2000, 114 Stat. 2849, as amended by Pub. L. 107-108, title IV, §404, Dec. 28, 2001, 115 Stat. 1404, provided that:

“(a) IN GENERAL.—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 [Pub. L. 104-208, div. A, title I, §101(f)] (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

“(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

“(2) use appropriated funds available to the Director to reimburse employees within categories so designated for 100 percent of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

“(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a) and (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

Pub. L. 106-346, §101(a) [title III, §348], Oct. 23, 2000, 114 Stat. 1356, 1356A-33, provided that: “In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104-208, title I, section 101(f), as amended [set out as a note below], beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.”