

may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.

(Aug. 1, 1956, ch. 841, title I, § 16, as added and renumbered title I, Pub. L. 97-241, title I, § 122, title II, § 202(a), Aug. 24, 1982, 96 Stat. 281, 282.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2680a, acts Aug. 1, 1956, ch. 841, § 16, as added Oct. 26, 1974, Pub. L. 93-475, § 12, 88 Stat. 1442; amended Oct. 7, 1978, Pub. L. 95-426, title I, § 117, 92 Stat. 969, related to authority and responsibility of chiefs of mission, prior to repeal by Pub. L. 96-465, title II, § 2205(10), Oct. 17, 1980, 94 Stat. 2160. Repeal effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title. See section 3927 of this title.

#### § 2680b. Special rules for certain monthly workers' compensation payments and other payments for Department of State personnel under chief of mission authority

##### (a) Adjustment of compensation for certain injuries

###### (1) Increase

The Secretary of State or the head of any other Federal agency may pay an additional monthly monetary benefit, provided that the covered employee is receiving benefits under section 8105 or 8106 of title 5, and may determine the amount of each monthly monetary benefit amount by taking into account—

- (A) the severity of the qualifying injury;
- (B) the circumstances by which the covered employee became injured; and
- (C) the seniority of the covered employee, particularly for purposes of compensating for lost career growth.

###### (2) Maximum

Notwithstanding chapter 81 of title 5, the total amount of monthly compensation increased under paragraph (1) may not exceed the monthly pay of the maximum rate of basic pay for GS-15 of the General Schedule under section 5332 of such title.

##### (b) Costs for treating qualifying injuries

The Secretary of State may pay the costs of or reimburse for diagnosing and treating—

- (1) a qualifying injury of a covered employee for such costs, that are not otherwise covered by chapter 81 of title 5 or other provision of Federal law; or
- (2) a covered individual, or a covered dependent, for such costs that are not otherwise covered by Federal law.

##### (c) Information exchange

To avoid duplicate or otherwise improper payments under this subsection, the Secretary of Labor, the Secretary of State, and, as appropriate, the head of any other Federal agency paying benefits under this section shall exchange information about the amounts paid for treatment of qualifying injuries.

##### (d) Regulations

Not later than 120 days after December 20, 2019, the Secretary of State shall—

(1) prescribe regulations ensuring the fair and equitable implementation of this section; and

(2) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives such regulations.

#### (e) Definitions

In this section:

##### (1) Covered dependent

The term “covered dependent” means a family member (as defined by the Secretary of State) of a<sup>1</sup> employee who, on or after January 1, 2016—

(A) accompanies the employee to an assigned duty station in a foreign country under chief of mission authority; and

(B) becomes injured by reason of a qualifying injury.

##### (2) Covered employee

The term “covered employee” means an employee of the Federal Government who, on or after January 1, 2016, becomes injured by reason of a qualifying injury and was assigned to a duty station in the Republic of Cuba, the People's Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f), but does not include an individual receiving compensation under section 3519b of title 50.

##### (3) Covered individual

The term “covered individual” means an individual who, on or after January 1, 2016, becomes injured by reason of a qualifying injury and is—

(A) detailed to a duty station in the Republic of Cuba, the People's Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f); or

(B) affiliated with the Department of State, as determined by the Secretary of State.

##### (4) Qualifying injury

The term “qualifying injury” means the following:

(A) With respect to a covered dependent, an injury incurred—

(i) during a period in which the covered dependent is accompanying an employee to an assigned duty station in the Republic of Cuba, the People's Republic of China, or another foreign country designated by the Secretary of State pursuant to subsection (f);

(ii) in connection with war, insurgency, hostile act, terrorist activity, or other incident designated by the Secretary of State; and

(iii) that was not the result of the willful misconduct of the covered dependent.

(B) With respect to a covered employee or a covered individual, an injury incurred—

(i) during a period of assignment to a duty station in the Republic of Cuba, the

<sup>1</sup> So in original. Probably should be “an”.

People’s Republic of China, or another country designated by the Secretary of State pursuant to subsection (f);

(ii) in connection with war, insurgency, hostile act, terrorist activity, or other incident designated by the Secretary of State; and

(iii) that was not the result of the willful misconduct of the covered employee or the covered individual.

**(f) Designation by the Secretary of State of another foreign country or duty station**

The Secretary of State may designate another foreign country for the purposes of this section, provided that the Secretary reports such designation to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and includes in such report a rationale for each such designation. The Secretary of State may not designate an added foreign country or duty station for purposes of providing additional monetary benefit pursuant to subsection (a), (b), or (i) for a qualifying injury to covered employees, covered dependents, or covered individuals under this section unless the Secretary of State—

(1) provides to the Committees on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives 30 days’ notice of the designation of a particular additional country or duty station and the rationale for such addition; and

(2) provides no such additional monetary benefit pursuant to subsection (a), (b), or (i) to covered employees, covered dependents, or covered individuals for a qualifying injury until the 30-day notice period expires, unless there is written agreement by both the Chair and Ranking Members of both the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that there is no objection to proceeding with provision of such monetary benefit compensation in less than 30 days.

**(g) Treatment of amounts**

For purposes of section 104 of title 26, amounts paid pursuant to this section shall be treated as amounts described in subsection (a)(5) of such section.

**(h) Application**

**(1) Adjustment of compensation provision**

Subsections (a) and (b) shall apply with respect to—

(A) payments made to covered employees (as defined in such section) under section 8105 or 8106 of title 5 beginning on or after January 1, 2016; and

(B) diagnosis or treatment described in subsection (b) occurring on or after January 1, 2016.

**(2) Other payment provision**

Payment under subsection (i) may be made available for a qualifying injury (as defined in such subsection) that occurs before, on, or after October 8, 2021.

**(3) Rule of construction**

Nothing in this section shall limit, modify, or otherwise supersede chapter 81 of title 5,

the Defense Base Act (42 U.S.C. 1651 et seq.), or section 3519b of title 50. Monetary benefits and treatment expenses paid under this section shall not be considered payments under any workers’ compensation law.

**(i) Other Injuries**

**(1) Definitions**

In this subsection:

**(A) Covered dependent**

The term “covered dependent” has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

**(B) Covered employee**

The term “covered employee” has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

**(C) Covered individual**

The term “covered individual” has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

**(D) Qualifying injury**

The term “qualifying injury” has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

**(2) Authority**

Notwithstanding any other provision of law but subject to paragraph (3), the Secretary of State or other agency head with an employee may provide payment to a covered dependent, a dependent of a former employee, a covered employee, a former employee, and a covered individual for a qualifying injury to the brain.

**(3) Limitations**

**(A) Appropriations required**

Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

**(B) Matter of payments**

Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

**(C) Amounts of payments**

The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.

**(4) Regulations**

**(A) In general**

The Secretary or other agency head described in paragraph (2) that provides pay-

ment under such paragraph shall prescribe regulations to carry out this subsection.

### (B) Elements

The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).

(Pub. L. 116–94, div. J, title IX, §901, Dec. 20, 2019, 133 Stat. 3079; Pub. L. 116–283, div. A, title XI, §1110, Jan. 1, 2021, 134 Stat. 3892; Pub. L. 117–46, §3(b), Oct. 8, 2021, 135 Stat. 394.)

### Editorial Notes

#### REFERENCES IN TEXT

The Defense Base Act, referred to in subsec. (h)(2), is act Aug. 16, 1941, ch. 357, 55 Stat. 622, which is classified generally to chapter 11 (§1651 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 42 and Tables.

#### AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116–283, §1110(1), inserted “or the head of any other Federal agency” after “The Secretary of State” in introductory provisions.

Subsec. (c). Pub. L. 116–283, §1110(2), substituted “, the Secretary of State, and, as appropriate, the head of any other Federal agency paying benefits under this section” for “and the Secretary of State”.

Subsec. (e)(2). Pub. L. 116–283, §1110(3), substituted “the Federal Government” for “the Department of State” and inserted “, but does not include an individual receiving compensation under section 3519b of title 50” before period at end.

Subsec. (f). Pub. L. 117–46, §3(b)(1), substituted “subsection (a), (b), or (i)” for “subsection (a) or (b)” in introductory provisions and in par. (2).

Subsec. (h)(1). Pub. L. 117–46, §3(b)(2)(A), substituted “Adjustment of compensation provision” for “In general” in heading and “Subsections (a) and (b)” for “This section” in introductory provisions.

Subsec. (h)(2). Pub. L. 117–46, §3(b)(2)(C), added par. (2). Former par. (2) redesignated (3).

Pub. L. 116–283, §1110(4), substituted “Nothing in this section shall limit, modify, or otherwise supersede chapter 81 of title 5, the Defense Base Act (42 U.S.C. 1651 et seq.), or section 3519b of title 50.” for “Nothing in this section shall modify or otherwise supersede chapter 81 of title 5 or chapter 11 of title 42.”

Subsec. (h)(3). Pub. L. 117–46, §3(b)(2)(B), redesignated par. (2) as (3).

Subsec. (i). Pub. L. 117–46, §3(b)(3), added subsec. (i).

### Statutory Notes and Related Subsidiaries

#### REGULATIONS

Pub. L. 117–46, §3(d), Oct. 8, 2021, 135 Stat. 396, provided that:

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 8, 2021], the Secretary of State and each other agency head that makes a payment under subsection (i)(2) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall prescribe regulations required under subsection (i)(4)(A) of such Act.

“(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary of State and the agency heads described in paragraph (1) shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).”

[For definition of “appropriate congressional committees” as used in section 3(d) of Pub. L. 117–46, set out above, see section 3(a) of Pub. L. 117–46, set out below.]

#### DEFINITIONS

Pub. L. 117–46, §3(a), Oct. 8, 2021, 135 Stat. 393, provided that:

“(a) DEFINITIONS.—In this section [amending this section and enacting provisions set out as a note above]:

“(1) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

“(2) COVERED DEPENDENT.—The term ‘covered dependent’ has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

“(3) COVERED EMPLOYEE.—The term ‘covered employee’ has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

“(4) COVERED INDIVIDUAL.—The term ‘covered individual’ has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

“(5) QUALIFYING INJURY.—The term ‘qualifying injury’ has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).”

### § 2681. International broadcasting facilities; transfer to Department of State; acquisition of property

For the purpose of assuring continued operation of the facilities hereinafter described for international broadcasting as a means of achieving the objectives of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.] under authority of that Act, the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944, as amended, and without reimbursement or transfer of funds, to the Secretary of State (hereinafter referred to as the “Secretary”) all of its right, title, and interest in and to the facilities known as Plancons 1805, 1985, and 1986 located in Butler County, Ohio, in the vicinity of Delano, California, and Dixon, California, respectively, together with the equipment and other property appurtenant thereto. For the purposes of sections 2681 to 2683 of this title, the Secretary is authorized to acquire property or rights or interests therein necessary or desirable for the operation of such facilities by purchase, lease, gift, transfer, condemnation, or otherwise.

(July 9, 1949, ch. 301, §1, 63 Stat. 408.)

### Editorial Notes

#### REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in text, is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title, and Tables.