

grade on the local compensation plan from which the employee was being paid at the time of death” for “at the time of death”.

Subsec. (b). Pub. L. 113–76, §7082(a)(2), (3), added subsec. (b) and redesignated former subsec. (b) as (d). Former subsec. (d) redesignated (e).

Subsec. (c). Pub. L. 113–76, §7082(a)(4), amended subsec. (c) generally. Prior to amendment, text read as follows: “A death gratuity payment under this section shall be made as follows:

“(1) First, to the widow or widower.

“(2) Second, to the child, or children in equal shares, if there is no widow or widower.

“(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

“If there is no survivor entitled to payment under this subsection, no payment shall be made.”

Subsecs. (d), (e). Pub. L. 113–76, §7082(a)(2), redesignated subsecs. (b) and (d) as (d) and (e), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–76, div. K, title VII, §7082(c), Jan. 17, 2014, 128 Stat. 567, provided that: “Notwithstanding any other provision of law, sections 413, 415, and 416 of the Foreign Service Act of 1980 [22 U.S.C. 3973, 3975, 3976], as amended or added by this section, shall apply in the case of a Foreign Service employee or executive branch employee subject to the authority of the chief of mission pursuant to section 207 of the Foreign Service Act (22 U.S.C. 3927), serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries sustained in an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 [probably means “1988 and 1989”] (22 U.S.C. 2656f(d)).”

§ 3974. Border equalization pay adjustment

(a) In general

An employee who regularly commutes from the employee’s place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization pay adjustment equal to the amount of comparability payments under section 5304 of title 5 that the employee would receive if the employee were assigned to an official duty station within the United States locality pay area closest to the employee’s official duty station.

(b) Employee defined

For purposes of this section, the term “employee” means a person who—

(1) is an “employee” as defined under section 2105 of title 5; and

(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 3903 of this title).

(c) Treatment as basic pay

An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5.

(d) Regulations

The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.

(Pub. L. 96–465, title I, §414, as added Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title III, §333(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–439.)

§ 3975. Group life insurance supplement applicable to those killed in terrorist attacks

(a) Foreign Service employees

(1) In general

Notwithstanding the amounts specified in chapter 87 of title 5, a Foreign Service employee who dies as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 2656f(d) of this title, shall be eligible for a special payment of \$400,000, which shall be in addition to any employer provided life insurance policy coverage. In the case of an employee compensated under a local compensation plan established under section 3968 of this title, the amount of such payment shall be determined by regulations implemented by the Secretary of State and shall be no greater than \$400,000. The group life insurance supplement employee benefit paid or scheduled to be paid pursuant to this section should not be used to reduce any other payment to which a recipient is otherwise eligible under Federal law.

(2) Designation of beneficiary

A payment made under paragraph (1) shall be made in accordance with the guidance issued under section 3973(c) of this title.

(b) Other executive agencies

The head of an executive agency shall provide the additional payment authorized by this section, consistent with the provisions set forth in subsection (a), with respect to any employee of that agency or of an individual in a special category serving in an uncompensated capacity for that agency who dies as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 2656f(d) of this title, while subject to the authority of the chief of mission pursuant to section 3927 of this title.

(Pub. L. 96–465, title I, §415, as added Pub. L. 113–76, div. K, title VII, §7082(b)(1), Jan. 17, 2014, 128 Stat. 565; amended Pub. L. 114–113, div. K, title VII, §7034(d)(5)(A), Dec. 18, 2015, 129 Stat. 2763; Pub. L. 115–31, div. J, title VII, §7034(k)(8), May 5, 2017, 131 Stat. 651.)

Editorial Notes

REFERENCES IN TEXT

Section 2656f(d) of this title, referred to in subsecs. (a)(1) and (b), was in the original “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999”, and was translated as meaning “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989”, to reflect the probable intent of Congress.

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115–31, which directed amendment by adding “The group life insurance sup-

plement employee benefit paid or scheduled to be paid pursuant to this section should not be used to reduce any other payment to which a recipient is otherwise eligible under Federal law.” in par. (1) without specifying a particular location, was executed by inserting the amendment at the end of par. (1) to reflect the probable intent of Congress.

2015—Subsec. (a)(1). Pub. L. 114-113 substituted “a special payment of \$400,000, which shall be in addition to any employer provided life insurance policy coverage” for “a payment from the United States in an amount that, when added to the amount of the employee’s employer-provided group life insurance policy coverage (if any), equals \$400,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable in the case of a Foreign Service or executive branch employee subject to the authority of the chief of mission pursuant to section 3927 of this title, serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries from an act of terrorism, as defined in section 2656f(d) of this title, see section 7082(c) of Pub. L. 113-76, set out as an Effective Date of 2014 Amendment note under section 3973 of this title.

APPLICABILITY

Pub. L. 114-113, div. K, title VII, §7034(d)(5)(B), Dec. 18, 2015, 129 Stat. 2763, provided that: “The insurance benefit under section 415 of the Foreign Service Act of 1980 (22 U.S.C. 3975), as amended by subparagraph (A), shall be applicable to eligible employees who die as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), anytime on or after April 18, 1983.”

§ 3976. Survivors’ and dependents’ educational assistance

(a) Foreign Service employees

The Secretary shall, pursuant to guidance issued under section 3973(c) of this title, provide educational assistance to a beneficiary of any United States national Foreign Service employee who dies while on duty abroad as a result of an act of terrorism, as defined in section 2656f(d) of this title, to meet, in whole or in part, the expenses incurred by the beneficiary in pursuing a program of education at an educational institution, including subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) Other executive agencies

The head of an executive agency shall, pursuant to guidance issued under section 3973(c) of this title provide educational assistance authorized by this section to a beneficiary of any employee of that agency who dies as a result of an act of terrorism or terrorism, as defined in section 2656f(d) of this title, while on duty abroad and subject to the authority of the chief of mission pursuant to section 3927 of this title.

(c) Amount of assistance

Educational assistance under this section may be made available up to the amounts provided for in section 3532 of title 38, as adjusted by section 3564 of title 38, and for an aggregate period not in excess of 48 months.

(d) Program of education and educational institution defined

For purposes of this section, the terms “program of education” and “educational institution” have the meanings given the terms in section 3501 of title 38.

(Pub. L. 96-465, title I, §416, as added Pub. L. 113-76, div. K, title VII, §7082(b)(1), Jan. 17, 2014, 128 Stat. 566.)

Editorial Notes

REFERENCES IN TEXT

Section 2656f(d) of this title, referred to in subsecs. (a) and (b), was in the original “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999”, and was translated as meaning “section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1989”, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable in the case of a Foreign Service or executive branch employee subject to the authority of the chief of mission pursuant to section 3927 of this title, serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries from an act of terrorism, as defined in section 2656f(d) of this title, see section 7082(c) of Pub. L. 113-76, set out as an Effective Date of 2014 Amendment note under section 3973 of this title.

SUBCHAPTER V—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

§ 3981. Authority of Secretary

The Secretary shall designate and classify positions in the Department and at Foreign Service posts which are to be occupied by members of the Service (other than by chiefs of mission and ambassadors at large). Positions designated under this section are excepted from the competitive service. If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 3949 of this title. Position classifications under this section shall be established, without regard to chapter 51 of title 5, in relation to the salaries established under subchapter IV. In classifying positions at Foreign Service posts abroad, the Secretary shall give appropriate weight to job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations.

(Pub. L. 96-465, title I, §501, Oct. 17, 1980, 94 Stat. 2092; Pub. L. 117-81, div. E, title LI, §5109(1), Dec. 27, 2021, 135 Stat. 2349.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81 inserted after second sentence “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 3949 of this title.”