

To the office of U.S. Representative William R. Keating

Re: HR 10095 (119th Congress), To amend the Foreign Service Act of 1980 to provide per diem eligibility for required leave of members of the Foreign Service. • Latest action (2026-08-13): Referred to the House Committee on Foreign Affairs.

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Foreign Service Leave Per Diem Accountability and Fairness Act

The measure, as described from the official record: To ensure that Foreign Service members who are required to take leave (e.g., for medical, safety, or administrative reasons) receive per diem allowances during that leave to cover living expenses, similar to when they are on duty.

THE PROPOSAL

This Act amends the Foreign Service Act of 1980 to provide per diem eligibility for members of the Foreign Service who are required to take leave by the Secretary of State for reasons including medical evaluation, safety evacuation, or administrative processing. The per diem allowance shall be paid at the standard federal per diem rate for the location where the member is required to remain during leave, but shall not exceed the rate applicable to temporary duty travel. The Secretary of State shall issue regulations defining 'required leave' and establishing procedures for application and approval. The total amount of per diem paid under this section in any fiscal year shall not exceed \$5,000,000. The Secretary shall submit an annual report to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations detailing the number of members receiving per diem, the total cost, and the reasons for leave. The Government Accountability Office shall conduct a review of the implementation and effectiveness of this program three years after enactment and report to Congress. This Act shall sunset five years after the effective date unless reauthorized by Congress.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General appropriations for the Department of State, subject to the annual cap.
Funding Amount	Capped at \$5,000,000 per fiscal year.
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO) to conduct a review after three years; annual reporting to Congress by the Secretary of State.
Enforcement Mechanism	The Secretary of State must certify compliance with the funding cap and reporting requirements; any violation may result in suspension of the program and recoupment of improperly paid amounts.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 18 (Necessary and Proper Clause)

- Inherent congressional power over the compensation and terms of service of federal employees

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democrats: Ensures fair treatment and financial security for Foreign Service personnel during mandatory leave, supporting worker rights and morale. Republicans: Includes a strict fiscal cap, a five-year sunset to force reauthorization, and GAO oversight to prevent abuse and ensure cost control.

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