

10 July 1957

OGC Has Reviewed

MEMORANDUM FOR: Chief, Finance Division

SUBJECT : Home Leave from U.S. Territories and Possessions

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1. A question has arisen as to the authority of the Agency to pay the travel and transportation expenses of persons returning on home leave from [] U.S. Territory or possession. This memorandum is to formalize the views of this Office which have also been the subject of several conversations among Finance Division, at least one of the area divisions, and this Office.

2. The pertinent authority is contained in Public Law 737, 83rd Congress, which is an amendment to Section 7 of the Administrative Expenses Act of 1946 and is codified at Section 73b-3 of Title 5, USCA. The pertinent language is as follows.

"Provided further, That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post."

The language perhaps is self-explanatory. We would understand it to mean that when an employee who has executed the required written agreement at the proper time, that is, before departing the overseas post, and is in the continental United States for TDY and home leave

purposes only, the Agency may allow proper travel and transportation expenses (as indicated by the quoted language, this would not include shipment of household effects). Assignment PCS to Headquarters, on the other hand, would render the individual ineligible for such expenses.

3. It will be understood that the term "home leave" referred to herein is not home leave in the sense in which that term is used in the Foreign Service Act. We are here referring to annual leave or INOP which the individual takes at his actual place of residence.

Assistant General Counsel

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