

Calendar No. 241

116TH CONGRESS
1ST SESSION

S. 2169

[Report No. 116–129]

To amend section 3116 of title 5, United States Code, to clarify the applicability of the appointment limitations for students appointed under the expedited hiring authority for post-secondary students.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2019

Mr. LANKFORD (for himself, Mr. PETERS, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 15, 2019

Reported by Mr. JOHNSON, with an amendment

[Insert the part printed in *italic*]

A BILL

To amend section 3116 of title 5, United States Code, to clarify the applicability of the appointment limitations for students appointed under the expedited hiring authority for post-secondary students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLARIFICATION OF LIMITATION ON EXPE-**
 2 **DITED HIRING AUTHORITY FOR POST-SEC-**
 3 **ONDARY STUDENTS.**

4 Section 3116(d)(1) of title 5, United States Code, is
 5 amended to read as follows:

6 “(1) IN GENERAL.—Except as provided in para-
 7 graph (2), the total number of students that the
 8 head of an agency may appoint under this section
 9 during a fiscal year may not exceed the number
 10 equal to 15 percent of the number of students that
 11 the agency head appointed during the previous fiscal
 12 year to a position at the GS–11 level, or an equiva-
 13 lent level, or below.”.

14 **SEC. 2. REST AND RECUPERATION LEAVE AND FOREIGN**
 15 **HOLIDAY LEAVE.**

16 (a) *IN GENERAL.*—Subchapter II of chapter 63 of title
 17 5, United States Code, is amended by adding at the end
 18 the following new sections:

19 **“§ 6329d. Rest and recuperation leave**

20 “(a) *DEFINITIONS.*—In this section—

21 “(1) the term ‘agency’—

22 “(A) means an Executive agency; and

23 “(B) does not include the Government Ac-
 24 countability Office;

25 “(2) the term ‘combat zone’ means—

1 “(A) a geographic area designated by an
 2 Executive Order of the President as an area in
 3 which the Armed Forces are engaging or have
 4 engaged in combat;

5 “(B) an area designated by law to be treat-
 6 ed as a combat zone; or

7 “(C) a location the Secretary of Defense has
 8 certified for combat zone tax benefits due to its
 9 direct support of military operations;

10 “(3) the term ‘employee’ has the meaning given
 11 the term in section 6301;

12 “(4) the term ‘high risk, high threat post’ has the
 13 meaning given the term in section 104 of the Omni-
 14 bus Diplomatic Security and Antiterrorism Act of
 15 1986 (22 U.S.C. 4803); and

16 “(5) the term ‘leave year’ means the period be-
 17 ginning on the first day of the first complete pay pe-
 18 riod in a calendar year and ending on the day imme-
 19 diately before the first day of the first complete pay
 20 period in the following calendar year.

21 “(b) LEAVE FOR REST AND RECUPERATION.—

22 “(1) IN GENERAL.—During a leave year, the
 23 head of an agency may grant not more than 20 days
 24 of leave without loss of or reduction in pay, leave to
 25 which an employee is otherwise entitled under law, or

1 *credit for time or service to a civilian employee of the*
 2 *agency serving in a combat zone or other high risk,*
 3 *high threat post for the purposes of rest and recuper-*
 4 *ation.*

5 “(2) *CONVERSION OF LEAVE PERIOD INTO*
 6 *HOURS.—The 20 days of leave referred to in para-*
 7 *graph (1) shall be converted to 160 hours of leave for*
 8 *full-time employees and proportionally adjusted for*
 9 *employees with a part-time tour of duty or an un-*
 10 *common tour of duty in which the hours for which*
 11 *leave may be charged are in excess of 80 hours in a*
 12 *biweekly pay period.*

13 “(c) *DISCRETIONARY AUTHORITY OF AGENCY HEAD.—*
 14 “(1) *IN GENERAL.—Use of the authority under*
 15 *subsection (b) shall be at the sole and exclusive discre-*
 16 *tion of the head of the agency concerned.*

17 “(2) *POLICIES.—The head of an agency may*
 18 *prescribe agency-wide policies to govern the use of the*
 19 *authority under subsection (b) within the agency.*

20 “(d) *RECORDS.—An agency shall record leave pro-*
 21 *vided under this section separately from leave authorized*
 22 *under any other provision of law.*

23 **“§ 6329e. Foreign holiday leave**

24 “(a) *DEFINITIONS.—In this section—*

25 “(1) *the term ‘agency’—*

1 “(A) means an *Executive agency*; and

2 “(B) does not include the *Government Ac-*
3 *countability Office*;

4 “(2) the term ‘employee’ has the meaning given
5 that term in section 6301; and

6 “(3) the term ‘leave year’ means the period be-
7 ginning on the first day of the first complete pay pe-
8 riod in a calendar year and ending on the day imme-
9 diately before the first day of the first complete pay
10 period in the following calendar year.

11 “(b) *LEAVE FOR LOCAL HOLIDAYS OBSERVED IN FOR-*
12 *EIGN AREAS.*—During a leave year, the head of an agency
13 may grant not more than 5 days of leave without loss of
14 or reduction in pay, leave to which an employee is otherwise
15 entitled under law, or credit for time or service to a civilian
16 employee of the agency serving in a foreign area for local
17 holidays observed in the foreign area—

18 “(1) if the head of the agency determines that the
19 conduct of business during the local holidays would be
20 inconsistent with host-country practice or otherwise
21 not in the best interest of the United States; or

22 “(2) for such other reasons as the head of the
23 agency determines necessary to advance the diplo-
24 matic interests of the United States.

25 “(c) *DISCRETIONARY AUTHORITY OF AGENCY HEAD.*—

1 “(1) *IN GENERAL.*—*Use of the authority under*
 2 *subsection (b) shall be at the sole and exclusive discre-*
 3 *tion of the head of the agency concerned.*

4 “(2) *POLICIES.*—*The head of an agency may*
 5 *prescribe agency-wide policies to govern the use of the*
 6 *authority under subsection (b) within the agency.*

7 “(d) *RECORDS.*—*An agency shall record leave pro-*
 8 *vided under this section separately from leave authorized*
 9 *under any other provision of law.”.*

10 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 11 *the beginning of such chapter is amended by inserting after*
 12 *the item relating to section 6329c the following new items:*

 “6329d. *Rest and recuperation leave.*

 “6329e. *Foreign holiday leave.”.*

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