

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To authorize rest and recuperation leave for Federal employees serving in combat zones and other high risk, high threat posts, and to authorize foreign holiday leave for Federal employees serving in foreign areas.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 2169**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARPER

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . REST AND RECUPERATION LEAVE AND FOR-**  
3 **EIGN HOLIDAY LEAVE.**

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

7 **“§ 6329d. Rest and recuperation leave**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘agency’—

10 “(A) means an Executive agency; and

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

3           “(2) the term ‘combat zone’ means—

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

8           “(B) an area designated by law to be  
9           treated as a combat zone; or

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

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

15           “(4) the term ‘high risk, high threat post’ has  
16           the meaning given the term in section 104 of the  
17           Omnibus Diplomatic Security and Antiterrorism Act  
18           of 1986 (22 U.S.C. 4803); and

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

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

1           “(1) IN GENERAL.—During a leave year, the  
2 head of an agency may grant not more than 20 days  
3 of leave without loss of or reduction in pay, leave to  
4 which an employee is otherwise entitled under law,  
5 or credit for time or service to a civilian employee  
6 of the agency serving in a combat zone or other high  
7 risk, high threat post for the purposes of rest and  
8 recuperation.

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

17           “(c) DISCRETIONARY AUTHORITY OF AGENCY  
18 HEAD.—

19           “(1) IN GENERAL.—Use of the authority under  
20 subsection (b) shall be at the sole and exclusive dis-  
21 cretion of the head of the agency concerned.

22           “(2) POLICIES.—The head of an agency may  
23 prescribe agency-wide policies to govern the use of  
24 the authority under subsection (b) within the agen-  
25 cy.

1       “(d) RECORDS.—An agency shall record leave pro-  
2 vided under this section separately from leave authorized  
3 under any other provision of law.

4       **“§ 6329e. Foreign holiday leave**

5       “(a) DEFINITIONS.—In this section—

6               “(1) the term ‘agency’—

7                       “(A) means an Executive agency; and

8                       “(B) does not include the Government Ac-  
9                       countability Office;

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

12               “(3) the term ‘leave year’ means the period be-  
13               ginning on the first day of the first complete pay pe-  
14               riod in a calendar year and ending on the day imme-  
15               diately before the first day of the first complete pay  
16               period in the following calendar year.

17       “(b) LEAVE FOR LOCAL HOLIDAYS OBSERVED IN  
18 FOREIGN AREAS.—During a leave year, the head of an  
19 agency may grant not more than 5 days of leave without  
20 loss of or reduction in pay, leave to which an employee  
21 is otherwise entitled under law, or credit for time or serv-  
22 ice to a civilian employee of the agency serving in a foreign  
23 area for local holidays observed in the foreign area—

24               “(1) if the head of the agency determines that  
25               the conduct of business during the local holidays

1 would be inconsistent with host-country practice or  
2 otherwise not in the best interest of the United  
3 States; or

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

7 “(c) DISCRETIONARY AUTHORITY OF AGENCY  
8 HEAD.—

9 “(1) IN GENERAL.—Use of the authority under  
10 subsection (b) shall be at the sole and exclusive dis-  
11 cretion of the head of the agency concerned.

12 “(2) POLICIES.—The head of an agency may  
13 prescribe agency-wide policies to govern the use of  
14 the authority under subsection (b) within the agen-  
15 cy.

16 “(d) RECORDS.—An agency shall record leave pro-  
17 vided under this section separately from leave authorized  
18 under any other provision of law.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by inserting  
21 after the item relating to section 6329c the following new  
22 items:

“6329d. Rest and recuperation leave.

“6329e. Foreign holiday leave.”.