

Suspend the Rules and Pass the Bill, H.R. 1633, With An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 1633

To provide for certain improvements relating to the tracking and reporting of employees of the Department of Homeland Security placed on administrative leave, or any other type of paid non-duty status without charge to leave, for personnel matters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2015

Mr. LOUDERMILK (for himself, Mr. McCAUL, Mr. KATKO, Mr. HURD of Texas, Mr. CARTER of Georgia, Mr. WALKER, Ms. McSALLY, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To provide for certain improvements relating to the tracking and reporting of employees of the Department of Homeland Security placed on administrative leave, or any other type of paid non-duty status without charge to leave, for personnel matters, and for other purposes.

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. SHORT TITLE.**

2 This Act may be cited as the “DHS Paid Administra-
3 tive Leave Accountability Act of 2015”.

4 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY IMPROVED**
5 **INTERNAL TRACKING AND REPORTING OF**
6 **ADMINISTRATIVE LEAVE FOR PERSONNEL**
7 **MATTERS.**

8 (a) IN GENERAL.—Title I of the Homeland Security
9 Act of 2002 (Public Law 107–296; 6 U.S.C. 101 et seq.)
10 is amended by adding at the end the following new section:

11 **“SEC. 104. INTERNAL TRACKING AND REPORTING OF AD-**
12 **MINISTRATIVE LEAVE FOR PERSONNEL MAT-**
13 **TERS.**

14 “(a) INTERNAL REPORTING.—Not later than 90 days
15 after the date of the enactment of the DHS Paid Adminis-
16 trative Leave Accountability Act of 2015, and quarterly
17 thereafter, the head of each component of the Department
18 shall submit to the Chief Human Capital Officer of the
19 Department—

20 “(1) the number of employees of the component
21 who had been on administrative leave, or any other
22 type of paid non-duty status without charge to leave,
23 for personnel matters for a period of six consecutive
24 months or longer as of the last day of the period
25 covered by the report;

1 “(2) the total cost to the component associated
2 with such administrative leave and such paid non-
3 duty status (including salary and benefits) for the
4 period covered by the report; and

5 “(3) the average duration that employees are
6 placed on administrative leave, or any other type of
7 paid non-duty status without charge to leave, for
8 personnel matters for a period of six consecutive
9 months or longer, as of the last day of the period
10 covered by the report for the component.

11 “(b) CHCO TRACKING.—The Chief Human Capital
12 Officer shall—

13 “(1) maintain records of the number of employ-
14 ees of the Department who are placed on adminis-
15 trative leave or paid non-duty status without charge
16 to leave for personnel matters and the costs (includ-
17 ing salary and benefits) associated with such leave
18 or non-duty status; and

19 “(2) in consultation with the head of each of
20 the components of the Department, determine any
21 appropriate actions to be taken by the Department
22 to resolve any personnel matter objectively, appro-
23 priately, and expeditiously or to reduce the use of
24 administrative leave and paid non-duty status with-

1 out charge to leave in addressing any personnel mat-
2 ter.

3 “(c) PERSONNEL MATTERS DEFINED.—In this sec-
4 tion, the term ‘personnel matters’ means, with respect to
5 an employee, any personnel investigation (including any
6 investigation into misconduct and any national security or
7 suitability investigation), any criminal matter, or any ad-
8 verse action proposed or taken by the Department, includ-
9 ing any action under chapter 75 of title 5, United States
10 Code.

11 “(d) LEVERAGE OF EXISTING SYSTEMS.—In car-
12 rying out this section, the Secretary is encouraged to le-
13 verage systems and operations in use on the date of enact-
14 ment of the DHS Paid Administrative Leave Account-
15 ability Act of 2015 to implement the requirements of this
16 section.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by inserting after
19 the item relating to section 103 the following new item:

“Sec. 104. Internal tracking and reporting of administrative leave for personnel
matters.”.

20 **SEC. 3. DEPARTMENT OF HOMELAND SECURITY POLICY**
21 **RELATING TO EMPLOYEES ON ADMINISTRA-**
22 **TIVE LEAVE.**

23 By not later than 90 days after the date of the enact-
24 ment of this Act, the Chief Human Capital Officer of the

1 Department of Homeland Security shall develop and im-
2 plement a Department-wide policy in accordance with ex-
3 isting Federal guidance specifically related to the use of
4 administrative leave, or any other type of paid non-duty
5 status without charge to leave, for personnel matters.
6 Such policy shall include the responsibilities of the compo-
7 nents of the Department for reporting information relat-
8 ing to such administrative leave and such paid non-duty
9 status to the Chief Human Capital Officer, as required
10 under section 104(a) of the Homeland Security Act of
11 2002 (Public Law 107–296), as added by section 2. Such
12 policy shall provide guidance on expediting the resolution
13 of a personnel matter for which an employee has been on
14 administrative leave or any other type of paid non-duty
15 status without charge to leave for a period of six consecu-
16 tive months or longer in an objective and appropriate man-
17 ner.

18 **SEC. 4. REPORTS TO CONGRESS ON DEPARTMENT OF**
19 **HOMELAND SECURITY EMPLOYEES ON AD-**
20 **MINISTRATIVE LEAVE FOR PERSONNEL MAT-**
21 **TERS.**

22 (a) QUARTERLY REPORTS.—Not later than 30 days
23 after the last day of each calendar quarter of 2016, 2017,
24 and 2018, the Chief Human Capital Officer of the Depart-
25 ment of Homeland Security shall submit to the Committee

1 on Homeland Security of the House of Representatives
2 and the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate a report on the number of
4 Department employees on administrative leave, and any
5 other type of paid non-duty status without charge to leave,
6 for personnel matters for a period of six consecutive
7 months or longer as of the last day of the quarter covered
8 by the report. Each such report shall include—

9 (1) the costs to the Department associated with
10 the placement of such employees on administrative
11 leave or such paid non-duty status (including salary
12 and benefits) for the period covered by the report;
13 and

14 (2) a description of any actions taken by the
15 Department to resolve any personnel matter for
16 which an employee has been placed on administra-
17 tive leave or paid non-duty status without charge to
18 leave.

19 (b) PERSONNEL MATTERS.—In this section, the term
20 “personnel matters” has the meaning given such term in
21 section 104(c) of the Homeland Security Act of 2002
22 (Public Law 107–296), as added by section 2.