

# Union Calendar No. 119

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1633

**[Report No. 114-163]**

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.

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## 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

JUNE 17, 2015

Additional sponsors: Mr. HENSARLING, Mrs. MILLER of Michigan, Mr. PERRY, and Mr. AUSTIN SCOTT of Georgia

JUNE 17, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 25, 2015]

# **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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “DHS Paid Administra-*  
5 *tive Leave Accountability Act of 2015”.*

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY IMPROVED**

7                    **INTERNAL TRACKING AND REPORTING OF**  
8                    **ADMINISTRATIVE LEAVE FOR PERSONNEL**  
9                    **MATTERS.**

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

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

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

22                    *“(1) the number of employees of the component*  
23                    *who had been on administrative leave, or any other*  
24                    *type of paid non-duty status without charge to leave,*  
25                    *for personnel matters for a period of six consecutive*

1       *months or longer as of the last day of the period cov-*  
2       *ered by the report;*

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

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

13       “(b) *CHCO TRACKING.—The Chief Human Capital*  
14       *Officer shall—*

15             “(1) *maintain records of the number of employ-*  
16       *ees of the Department who are placed on administra-*  
17       *tive leave or paid non-duty status without charge to*  
18       *leave for personnel matters and the costs (including*  
19       *salary and benefits) associated with such leave or*  
20       *non-duty status; and*

21             “(2) *in consultation with the head of each of the*  
22       *components of the Department, determine any appro-*  
23       *priate actions to be taken by the Department to re-*  
24       *solve any personnel matter objectively, appropriately,*  
25       *and expeditiously or to reduce the use of administra-*

1        *tive leave and paid non-duty status without charge to*  
2        *leave in addressing any personnel matter.*

3        “(c) *PERSONNEL MATTERS DEFINED.*—*In this section,*  
4        *the term ‘personnel matters’ means, with respect to an em-*  
5        *ployee, any personnel investigation (including any inves-*  
6        *tigation into misconduct and any national security or suit-*  
7        *ability investigation), any criminal matter, or any adverse*  
8        *action proposed or taken by the Department, including any*  
9        *action under chapter 75 of title 5, United States Code.*

10       “(d) *LEVERAGE OF EXISTING SYSTEMS.*—*In carrying*  
11       *out this section, the Secretary is encouraged to leverage sys-*  
12       *tems and operations in use on the date of enactment of the*  
13       *DHS Paid Administrative Leave Accountability Act of*  
14       *2015 to implement the requirements of this section.”.*

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

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

18       **SEC. 3. DEPARTMENT OF HOMELAND SECURITY POLICY RE-**  
19                                **LATING TO EMPLOYEES ON ADMINISTRATIVE**  
20                                **LEAVE.**

21       *By not later than 90 days after the date of the enact-*  
22       *ment of this Act, the Chief Human Capital Officer of the*  
23       *Department of Homeland Security shall develop and imple-*  
24       *ment a Department-wide policy in accordance with existing*

1 *Federal guidance specifically related to the use of adminis-*  
2 *trative leave, or any other type of paid non-duty status*  
3 *without charge to leave, for personnel matters. Such policy*  
4 *shall include the responsibilities of the components of the*  
5 *Department for reporting information relating to such ad-*  
6 *ministrative leave and such paid non-duty status to the*  
7 *Chief Human Capital Officer, as required under section*  
8 *104(a) of the Homeland Security Act of 2002 (Public Law*  
9 *107–296), as added by section 2. Such policy shall provide*  
10 *guidance on expediting the resolution of a personnel matter*  
11 *for which an employee has been on administrative leave or*  
12 *any other type of paid non-duty status without charge to*  
13 *leave for a period of six consecutive months or longer in*  
14 *an objective and appropriate manner.*

15 **SEC. 4. REPORTS TO CONGRESS ON DEPARTMENT OF**  
16 **HOMELAND SECURITY EMPLOYEES ON AD-**  
17 **MINISTRATIVE LEAVE FOR PERSONNEL MAT-**  
18 **TERS.**

19 (a) *QUARTERLY REPORTS.*—*Not later than 30 days*  
20 *after the last day of each calendar quarter of 2016, 2017,*  
21 *and 2018, the Chief Human Capital Officer of the Depart-*  
22 *ment of Homeland Security shall submit to the Committee*  
23 *on Homeland Security of the House of Representatives and*  
24 *the Committee on Homeland Security and Governmental*  
25 *Affairs of the Senate a report on the number of Department*

1 *employees on administrative leave, and any other type of*  
2 *paid non-duty status without charge to leave, for personnel*  
3 *matters for a period of six consecutive months or longer as*  
4 *of the last day of the quarter covered by the report. Each*  
5 *such report shall include—*

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

10           (2) *a description of any actions taken by the De-*  
11 *partment to resolve any personnel matter for which*  
12 *an employee has been placed on administrative leave*  
13 *or paid non-duty status without charge to leave.*

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

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