

AMENDMENT NO. _____ Calendar No. _____

Purpose: To address administrative leave for Federal employees.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2976

To amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes.

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. TESTER (for himself and Mr. LANKFORD) to the amendment (No. _____) proposed by Mr. LANKFORD

Viz:

1 In lieu of the matter proposed to be inserted, insert
2 the following:

3 **SEC. ____ . ADMINISTRATIVE LEAVE.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Administrative Leave Act of 2016”.

6 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
7 gress that—

8 (1) agency use of administrative leave, and
9 leave that is referred to incorrectly as administrative

1 leave in agency recording practices, has exceeded
2 reasonable amounts—

3 (A) in contravention of—

4 (i) established precedent of the Comp-
5 troller General of the United States; and

6 (ii) guidance provided by the Office of
7 Personnel Management; and

8 (B) resulting in significant cost to the
9 Federal Government;

10 (2) administrative leave should be used spar-
11 ingly;

12 (3) prior to the use of paid leave to address
13 personnel issues, an agency should consider other ac-
14 tions, including—

15 (A) temporary reassignment;

16 (B) transfer; and

17 (C) telework;

18 (4) an agency should prioritize and expedi-
19 tiously conclude an investigation in which an em-
20 ployee is placed in administrative leave so that, not
21 later than the conclusion of the leave period—

22 (A) the employee is returned to duty sta-
23 tus; or

24 (B) an appropriate personnel action is
25 taken with respect to the employee;

1 (5) data show that there are too many examples
2 of employees placed in administrative leave for 6
3 months or longer, leaving the employees without any
4 available recourse to—

5 (A) return to duty status; or

6 (B) challenge the decision of the agency;

7 (6) an agency should ensure accurate and con-
8 sistent recording of the use of administrative leave
9 so that administrative leave can be managed and
10 overseen effectively; and

11 (7) other forms of excused absence authorized
12 by law should be recorded separately from adminis-
13 trative leave, as defined by the amendments made by
14 this section.

15 (c) ADMINISTRATIVE LEAVE.—

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

19 **“§ 6329a. Administrative leave**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘administrative leave’ means
22 leave—

23 “(A) without loss of or reduction in—

24 “(i) pay;

1 “(ii) leave to which an employee is
2 otherwise entitled under law; or

3 “(iii) credit for time or service; and

4 “(B) that is not authorized under any
5 other provision of law;

6 “(2) the term ‘agency’—

7 “(A) means an Executive agency (as de-
8 fined in section 105 of this title); and

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

11 “(3) the term ‘employee’—

12 “(A) has the meaning given the term in
13 section 2105; and

14 “(B) does not include an intermittent em-
15 ployee who does not have an established regular
16 tour of duty during the administrative work-
17 week.

18 “(b) ADMINISTRATIVE LEAVE.—

19 “(1) IN GENERAL.—An agency may place an
20 employee in administrative leave for a period of not
21 more than 5 consecutive days.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (1) shall be construed to limit the use of
24 leave that is—

25 “(A) specifically authorized under law; and

1 “(B) not administrative leave.

2 “(3) RECORDS.—An agency shall record admin-
3 istrative leave separately from leave authorized
4 under any other provision of law.

5 “(c) REGULATIONS.—

6 “(1) OPM REGULATIONS.—Not later than 1
7 year after the date of enactment of this section, the
8 Director of the Office of Personnel Management
9 shall—

10 “(A) prescribe regulations to carry out this
11 section; and

12 “(B) prescribe regulations that provide
13 guidance to agencies regarding—

14 “(i) acceptable agency uses of admin-
15 istrative leave; and

16 “(ii) the proper recording of—

17 “(I) administrative leave; and

18 “(II) other leave authorized by
19 law.

20 “(2) AGENCY ACTION.—Not later than 1 year
21 after the date on which the Director of the Office of
22 Personnel Management prescribes regulations under
23 paragraph (1), each agency shall revise and imple-
24 ment the internal policies of the agency to meet the
25 requirements of this section.

1 “(d) RELATION TO OTHER LAWS.—Notwithstanding
2 subsection (a) of section 7421 of title 38, this section shall
3 apply to an employee described in subsection (b) of that
4 section.”.

5 (2) OPM STUDY.—Not later than 120 days
6 after the date of enactment of this Act, the Director
7 of the Office of Personnel Management, in consulta-
8 tion with Federal agencies, groups representing Fed-
9 eral employees, and other relevant stakeholders,
10 shall submit to the Committee on Homeland Secu-
11 rity and Governmental Affairs of the Senate and the
12 Committee on Oversight and Government Reform of
13 the House of Representatives a report identifying
14 agency practices, as of the date of enactment of this
15 Act, of placing an employee in administrative leave
16 for more than 5 consecutive days when the place-
17 ment was not specifically authorized by law.

18 (3) TECHNICAL AND CONFORMING AMEND-
19 MENT.—The table of sections for subchapter II of
20 chapter 63 of title 5, United States Code, is amend-
21 ed by inserting after the item relating to section
22 6329 the following:

“6329a. Administrative leave.”.

23 (d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

24 (1) IN GENERAL.—Subchapter II of chapter 63
25 of title 5, United States Code, as amended by this

1 section, is further amended by adding at the end the
2 following:

3 **“§ 6329b. Investigative leave and notice leave**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘agency’—

6 “(A) means an Executive agency (as de-
7 fined in section 105 of this title); and

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

10 “(2) the term ‘Chief Human Capital Officer’
11 means—

12 “(A) the Chief Human Capital Officer of
13 an agency designated or appointed under sec-
14 tion 1401; or

15 “(B) the equivalent;

16 “(3) the term ‘committees of jurisdiction’, with
17 respect to an agency, means each committee in the
18 Senate and House of Representatives with jurisdic-
19 tion over the agency;

20 “(4) the term ‘Director’ means the Director of
21 the Office of Personnel Management;

22 “(5) the term ‘employee’—

23 “(A) has the meaning given the term in
24 section 2105; and

25 “(B) does not include—

1 “(i) an intermittent employee who
2 does not have an established regular tour
3 of duty during the administrative work-
4 week; or

5 “(ii) the Inspector General of an
6 agency;

7 “(6) the term ‘investigative leave’ means
8 leave—

9 “(A) without loss of or reduction in—

10 “(i) pay;

11 “(ii) leave to which an employee is
12 otherwise entitled under law; or

13 “(iii) credit for time or service;

14 “(B) that is not authorized under any
15 other provision of law; and

16 “(C) in which an employee who is the sub-
17 ject of an investigation is placed;

18 “(7) the term ‘notice leave’ means leave—

19 “(A) without loss of or reduction in—

20 “(i) pay;

21 “(ii) leave to which an employee is
22 otherwise entitled under law; or

23 “(iii) credit for time or service;

24 “(B) that is not authorized under any
25 other provision of law; and

1 “(C) in which an employee who is in a no-
2 tice period is placed; and

3 “(8) the term ‘notice period’ means a period be-
4 ginning on the date on which an employee is pro-
5 vided notice required under law of a proposed ad-
6 verse action against the employee and ending on the
7 date on which an agency may take the adverse ac-
8 tion.

9 “(b) LEAVE FOR EMPLOYEES UNDER INVESTIGA-
10 TION OR IN A NOTICE PERIOD.—

11 “(1) AUTHORITY.—An agency may, in accord-
12 ance with paragraph (2), place an employee in—

13 “(A) investigative leave if the employee is
14 the subject of an investigation;

15 “(B) notice leave if the employee is in a
16 notice period; or

17 “(C) notice leave following a placement in
18 investigative leave if, not later than the day
19 after the last day of the period of investigative
20 leave—

21 “(i) the agency proposes or initiates
22 an adverse action against the employee;
23 and

1 “(ii) the agency determines that the
2 employee continues to meet 1 or more of
3 the criteria described in subsection (c)(1).

4 “(2) REQUIREMENTS.—An agency may place
5 an employee in leave under paragraph (1) only if the
6 agency has—

7 “(A) made a determination with respect to
8 the employee under subsection (c)(1);

9 “(B) considered the available options for
10 the employee under subsection (c)(2); and

11 “(C) determined that none of the available
12 options under subsection (c)(2) is appropriate.

13 “(c) EMPLOYEES UNDER INVESTIGATION OR IN A
14 NOTICE PERIOD.—

15 “(1) DETERMINATIONS.—An agency may not
16 place an employee in investigative leave or notice
17 leave under subsection (b) unless the continued pres-
18 ence of the employee in the workplace during an in-
19 vestigation of the employee or while the employee is
20 in a notice period, if applicable, may—

21 “(A) pose a threat to the employee or oth-
22 ers;

23 “(B) result in the destruction of evidence
24 relevant to an investigation;

1 “(C) result in loss of or damage to Govern-
2 ment property; or

3 “(D) otherwise jeopardize legitimate Gov-
4 ernment interests.

5 “(2) AVAILABLE OPTIONS FOR EMPLOYEES
6 UNDER INVESTIGATION OR IN A NOTICE PERIOD.—
7 After making a determination under paragraph (1)
8 with respect to an employee, and before placing an
9 employee in investigative leave or notice leave under
10 subsection (b), an agency shall consider taking 1 or
11 more of the following actions:

12 “(A) Assigning the employee to duties in
13 which the employee is no longer a threat to—

14 “(i) safety;

15 “(ii) the mission of the agency;

16 “(iii) Government property; or

17 “(iv) evidence relevant to an investiga-
18 tion.

19 “(B) Allowing the employee to take leave
20 for which the employee is eligible.

21 “(C) Requiring the employee to telework
22 under section 6502(c).

23 “(D) If the employee is absent from duty
24 without approved leave, carrying the employee
25 in absence without leave status.

1 “(E) For an employee subject to a notice
2 period, curtailing the notice period if there is
3 reasonable cause to believe the employee has
4 committed a crime for which a sentence of im-
5 prisonment may be imposed.

6 “(3) DURATION OF LEAVE.—

7 “(A) INVESTIGATIVE LEAVE.—Subject to
8 extensions of a period of investigative leave for
9 which an employee may be eligible under sub-
10 sections (d) and (e), the initial placement of an
11 employee in investigative leave shall be for a pe-
12 riod not longer than 10 days.

13 “(B) NOTICE LEAVE.—Placement of an
14 employee in notice leave shall be for a period
15 not longer than the duration of the notice pe-
16 riod.

17 “(4) EXPLANATION OF LEAVE.—

18 “(A) IN GENERAL.—If an agency places an
19 employee in leave under subsection (b), the
20 agency shall provide the employee a written ex-
21 planation of the leave placement and the rea-
22 sons for the leave placement.

23 “(B) EXPLANATION.—The written notice
24 under subparagraph (A) shall describe the limi-
25 tations of the leave placement, including—

1 “(i) the applicable limitations under
2 paragraph (3); and

3 “(ii) in the case of a placement in in-
4 vestigative leave, an explanation that, at
5 the conclusion of the period of leave, the
6 agency shall take an action under para-
7 graph (5).

8 “(5) AGENCY ACTION.—Not later than the day
9 after the last day of a period of investigative leave
10 for an employee under subsection (b)(1), an agency
11 shall—

12 “(A) return the employee to regular duty
13 status;

14 “(B) take 1 or more of the actions author-
15 ized under paragraph (2), meaning—

16 “(i) assigning the employee to duties
17 in which the employee is no longer a threat
18 to—

19 “(I) safety;

20 “(II) the mission of the agency;

21 “(III) Government property; or

22 “(IV) evidence relevant to an in-
23 vestigation;

24 “(ii) allowing the employee to take
25 leave for which the employee is eligible;

1 “(iii) requiring the employee to
2 telework under section 6502(c);

3 “(iv) if the employee is absent from
4 duty without approved leave, carrying the
5 employee in absence without leave status;
6 or

7 “(v) for an employee subject to a no-
8 tice period, curtailing the notice period if
9 there is reasonable cause to believe the em-
10 ployee has committed a crime for which a
11 sentence of imprisonment may be imposed;

12 “(C) propose or initiate an adverse action
13 against the employee as provided under law; or

14 “(D) extend the period of investigative
15 leave under subsections (d) and (e).

16 “(6) RULE OF CONSTRUCTION.—Nothing in
17 paragraph (5) shall be construed to prevent the con-
18 tinued investigation of an employee, except that the
19 placement of an employee in investigative leave may
20 not be extended for that purpose except as provided
21 in subsections (d) and (e).

22 “(d) INITIAL EXTENSION OF INVESTIGATIVE
23 LEAVE.—

24 “(1) IN GENERAL.—Subject to paragraph (4),
25 if the Chief Human Capital Officer of an agency, or

1 the designee of the Chief Human Capital Officer,
2 approves such an extension after consulting with the
3 investigator responsible for conducting the investiga-
4 tion to which an employee is subject, the agency may
5 extend the period of investigative leave for the em-
6 ployee under subsection (b) for not more than 30
7 days.

8 “(2) MAXIMUM NUMBER OF EXTENSIONS.—The
9 total period of additional investigative leave for an
10 employee under paragraph (1) may not exceed 110
11 days.

12 “(3) DESIGNATION GUIDANCE.—Not later than
13 1 year after the date of enactment of this section,
14 the Chief Human Capital Officers Council shall
15 issue guidance to ensure that if the Chief Human
16 Capital Officer of an agency delegates the authority
17 to approve an extension under paragraph (1) to a
18 designee, the designee is at a sufficiently high level
19 within the agency to make an impartial and inde-
20 pendent determination regarding the extension.

21 “(4) EXTENSIONS FOR OIG EMPLOYEES.—

22 “(A) APPROVAL.—In the case of an em-
23 ployee of an Office of Inspector General—

24 “(i) the Inspector General or the des-
25 ignee of the Inspector General, rather than

1 the Chief Human Capital Officer or the
2 designee of the Chief Human Capital Offi-
3 cer, shall approve an extension of a period
4 of investigative leave for the employee
5 under paragraph (1); or

6 “(ii) at the request of the Inspector
7 General, the head of the agency within
8 which the Office of Inspector General is lo-
9 cated shall designate an official of the
10 agency to approve an extension of a period
11 of investigative leave for the employee
12 under paragraph (1).

13 “(B) GUIDANCE.—Not later than 1 year
14 after the date of enactment of this section, the
15 Council of the Inspectors General on Integrity
16 and Efficiency shall issue guidance to ensure
17 that if the Inspector General or the head of an
18 agency, at the request of the Inspector General,
19 delegates the authority to approve an extension
20 under subparagraph (A) to a designee, the des-
21 ignee is at a sufficiently high level within the
22 Office of Inspector General or the agency, as
23 applicable, to make an impartial and inde-
24 pendent determination regarding the extension.

1 “(e) FURTHER EXTENSION OF INVESTIGATIVE
2 LEAVE.—

3 “(1) IN GENERAL.—After reaching the limit
4 under subsection (d)(2), an agency may further ex-
5 tend a period of investigative leave for an employee
6 for a period of not more than 60 days if, before the
7 further extension begins, the head of the agency or,
8 in the case of an employee of an Office of Inspector
9 General, the Inspector General submits a notifica-
10 tion that includes the reasons for the further exten-
11 sion to the—

12 “(A) committees of jurisdiction;

13 “(B) Committee on Homeland Security
14 and Governmental Affairs of the Senate; and

15 “(C) Committee on Oversight and Govern-
16 ment Reform of the House of Representatives.

17 “(2) NO LIMIT.—There shall be no limit on the
18 number of further extensions that an agency may
19 grant to an employee under paragraph (1).

20 “(3) OPM REVIEW.—An agency shall request
21 from the Director, and include with the notification
22 required under paragraph (1), the opinion of the Di-
23 rector—

1 “(A) with respect to whether to grant a
2 further extension under this subsection, includ-
3 ing the reasons for that opinion; and

4 “(B) which shall not be binding on the
5 agency.

6 “(4) SUNSET.—The authority provided under
7 this subsection shall expire on the date that is 6
8 years after the date of enactment of this section.

9 “(f) CONSULTATION GUIDANCE.—Not later than 1
10 year after the date of enactment of this section, the Coun-
11 cil of the Inspectors General on Integrity and Efficiency,
12 in consultation with the Attorney General and the Special
13 Counsel, shall issue guidance on best practices for con-
14 sultation between an investigator and an agency on the
15 need to place an employee in investigative leave during an
16 investigation of the employee, including during a criminal
17 investigation, because the continued presence of the em-
18 ployee in the workplace during the investigation may—

19 “(1) pose a threat to the employee or others;

20 “(2) result in the destruction of evidence rel-
21 evant to an investigation;

22 “(3) result in loss of or damage to Government
23 property; or

24 “(4) otherwise jeopardize legitimate Govern-
25 ment interests.

1 “(g) REPORTING AND RECORDS.—

2 “(1) IN GENERAL.—An agency shall keep a
3 record of the placement of an employee in investiga-
4 tive leave or notice leave by the agency, including—

5 “(A) the basis for the determination made
6 under subsection (c)(1);

7 “(B) an explanation of why an action
8 under subsection (c)(2) was not appropriate;

9 “(C) the length of the period of leave;

10 “(D) the amount of salary paid to the em-
11 ployee during the period of leave;

12 “(E) the reasons for authorizing the leave,
13 including, if applicable, the recommendation
14 made by an investigator under subsection
15 (d)(1); and

16 “(F) the action taken by the agency at the
17 end of the period of leave, including, if applica-
18 ble, the granting of any extension of a period
19 of investigative leave under subsection (d) or
20 (e).

21 “(2) AVAILABILITY OF RECORDS.—An agency
22 shall make a record kept under paragraph (1) avail-
23 able—

24 “(A) to any committee of Congress, upon
25 request;

1 “(B) to the Office of Personnel Manage-
2 ment; and

3 “(C) as otherwise required by law, includ-
4 ing for the purposes of the Administrative
5 Leave Act of 2016 and the amendments made
6 by that Act.

7 “(h) REGULATIONS.—

8 “(1) OPM ACTION.—Not later than 1 year
9 after the date of enactment of this section, the Di-
10 rector shall prescribe regulations to carry out this
11 section, including guidance to agencies regarding—

12 “(A) acceptable purposes for the use of—

13 “(i) investigative leave; and

14 “(ii) notice leave;

15 “(B) the proper recording of—

16 “(i) the leave categories described in
17 subparagraph (A); and

18 “(ii) other leave authorized by law;

19 “(C) baseline factors that an agency shall
20 consider when making a determination that the
21 continued presence of an employee in the work-
22 place may—

23 “(i) pose a threat to the employee or
24 others;

1 “(ii) result in the destruction of evi-
2 dence relevant to an investigation;

3 “(iii) result in loss or damage to Gov-
4 ernment property; or

5 “(iv) otherwise jeopardize legitimate
6 Government interests; and

7 “(D) procedures and criteria for the ap-
8 proval of an extension of a period of investiga-
9 tive leave under subsection (d) or (e).

10 “(2) AGENCY ACTION.—Not later than 1 year
11 after the date on which the Director prescribes regu-
12 lations under paragraph (1), each agency shall revise
13 and implement the internal policies of the agency to
14 meet the requirements of this section.

15 “(i) RELATION TO OTHER LAWS.—Notwithstanding
16 subsection (a) of section 7421 of title 38, this section shall
17 apply to an employee described in subsection (b) of that
18 section.”.

19 (2) PERSONNEL ACTION.—Section
20 2302(a)(2)(A) of title 5, United States Code, is
21 amended—

22 (A) in clause (xi), by striking “and” at the
23 end;

24 (B) by redesignating clause (xii) as clause
25 (xiii); and

1 (C) by inserting after clause (xi) the fol-
2 lowing:

3 “(xii) a determination made by an agency
4 under section 6329b(c)(1) that the continued
5 presence of an employee in the workplace dur-
6 ing an investigation of the employee or while
7 the employee is in a notice period, if applicable,
8 may—

9 “(I) pose a threat to the employee or
10 others;

11 “(II) result in the destruction of evi-
12 dence relevant to an investigation;

13 “(III) result in loss of or damage to
14 Government property; or

15 “(IV) otherwise jeopardize legitimate
16 Government interests; and”.

17 (3) GAO REPORT.—Not later than 5 years
18 after the date of enactment of this Act, the Comp-
19 troller General of the United States shall report to
20 the Committee on Homeland Security and Govern-
21 mental Affairs of the Senate and the Committee on
22 Oversight and Government Reform of the House of
23 Representatives on the results of an evaluation of
24 the implementation of the authority provided under
25 sections 6329a and 6329b of title 5, United States

1 Code, as added by subsection (c)(1) and paragraph
2 (1) of this subsection, respectively, including—

3 (A) an assessment of agency use of the au-
4 thority provided under subsection (e) of such
5 section 6329b, including data regarding—

6 (i) the number and length of exten-
7 sions granted under that subsection; and

8 (ii) the number of times that the Di-
9 rector of the Office of Personnel Manage-
10 ment, under paragraph (3) of that sub-
11 section—

12 (I) concurred with the decision of
13 an agency to grant an extension; and

14 (II) did not concur with the deci-
15 sion of an agency to grant an exten-
16 sion, including the bases for those
17 opinions of the Director;

18 (B) recommendations to Congress, as ap-
19 propriate, on the need for extensions beyond the
20 extensions authorized under subsection (d) of
21 such section 6329b; and

22 (C) a review of the practice of agency
23 placement of an employee in investigative or no-
24 tice leave under subsection (b) of such section
25 6329b because of a determination under sub-

1 section (c)(1)(D) of that section that the em-
2 ployee jeopardized legitimate Government inter-
3 ests, including the extent to which such deter-
4 minations were supported by evidence.

5 (4) TELEWORK.—Section 6502 of title 5,
6 United States Code, is amended by adding at the
7 end the following:

8 “(c) REQUIRED TELEWORK.—If an agency deter-
9 mines under section 6329b(c)(1) that the continued pres-
10 ence of an employee in the workplace during an investiga-
11 tion of the employee or while the employee is in a notice
12 period, if applicable, may pose 1 or more of the threats
13 described in that section and the employee is eligible to
14 telework under subsections (a) and (b) of this section, the
15 agency may require the employee to telework for the dura-
16 tion of the investigation or the notice period, if applica-
17 ble.”.

18 (5) TECHNICAL AND CONFORMING AMEND-
19 MENT.—The table of sections for subchapter II of
20 chapter 63 of title 5, United States Code, is amend-
21 ed by inserting after the item relating to section
22 6329a, as added by this section, the following:

“6329b. Investigative leave and notice leave.”.

23 (e) LEAVE FOR WEATHER AND SAFETY ISSUES.—

24 (1) IN GENERAL.—Subchapter II of chapter 63
25 of title 5, United States Code, as amended by this

1 section, is further amended by adding at the end the
2 following:

3 **“§ 6329c. Weather and safety leave**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘agency’—

6 “(A) means an Executive agency (as de-
7 fined in section 105 of this title); and

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

10 “(2) the term ‘employee’—

11 “(A) has the meaning given the term in
12 section 2105; and

13 “(B) does not include an intermittent em-
14 ployee who does not have an established regular
15 tour of duty during the administrative work-
16 week.

17 “(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—

18 An agency may approve the provision of leave under this
19 section to an employee or a group of employees without
20 loss of or reduction in the pay of the employee or employ-
21 ees, leave to which the employee or employees are other-
22 wise entitled, or credit to the employee or employees for
23 time or service only if the employee or group of employees
24 is prevented from safely traveling to or performing work
25 at an approved location due to—

1 “(1) an act of God;

2 “(2) a terrorist attack; or

3 “(3) another condition that prevents the em-
4 ployee or group of employees from safely traveling to
5 or performing work at an approved location.

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

9 “(d) REGULATIONS.—Not later than 1 year after the
10 date of enactment of this section, the Director of the Of-
11 fice of Personnel Management shall prescribe regulations
12 to carry out this section, including—

13 “(1) guidance to agencies regarding the appro-
14 priate purposes for providing leave under this sec-
15 tion; and

16 “(2) the proper recording of leave provided
17 under this section.

18 “(e) RELATION TO OTHER LAWS.—Notwithstanding
19 subsection (a) of section 7421 of title 38, this section shall
20 apply to an employee described in subsection (b) of that
21 section.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—The table of sections for subchapter II of
24 chapter 63 of title 5, United States Code, is amend-

1 ed by inserting after the item relating to section
2 6329b, as added by this section, the following:

“6329c. Weather and safety leave.”.

3 (f) ADDITIONAL OVERSIGHT.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the Director of
6 the Office of Personnel Management shall complete
7 a review of agency policies to determine whether
8 agencies have complied with the requirements of this
9 section and the amendments made by this section.

10 (2) REPORT TO CONGRESS.—Not later than 90
11 days after completing the review under paragraph
12 (1), the Director shall submit to Congress a report
13 evaluating the results of the review.