

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 6016**  
**OFFERED BY MR. KELLY OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Government Employee  
3 Accountability Act”.

**4 SEC. 2. ADMINISTRATIVE LEAVE FOR SENIOR EXECUTIVE**  
**5 SERVICE EMPLOYEES.**

6       (a) IN GENERAL.—Chapter 75 of title 5, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9       “SUBCHAPTER VI—ADMINISTRATIVE LEAVE  
10 FOR SENIOR EXECUTIVE SERVICE EMPLOYEES  
11 “§ 7551. Definitions

12       “For the purposes of this subchapter—

13               “(1) ‘employee’ has the meaning given such  
14 term in section 7541; and

15               “(2) ‘administrative leave’ means an absence  
16 from duty administratively authorized, for discipli-  
17 nary reasons, of a period not greater than 90 days.

1   **“§ 7552. Actions covered**

2           “‘This subchapter applies to administrative leave.

3   **“§ 7553. Cause and procedure**

4           “(a)(1) Under regulations prescribed by the Office of  
5   Personnel Management, the head of an agency may place  
6   an employee on administrative leave, without loss of pay  
7   and without charge to annual or sick leave, only for mis-  
8   appropriation of funds, misconduct, neglect of duty, or  
9   malfeasance.

10          “(2) If the head of an agency determines that such  
11   employee’s conduct is serious or flagrant, the head may  
12   place such employee on administrative leave under this  
13   subchapter without pay.

14          “(b)(1) At the end of each 2-week period during a  
15   period of administrative leave implemented under this sec-  
16   tion, the head of the relevant agency shall review the inves-  
17   tigation into the employee with respect to the misappro-  
18   priation of funds, misconduct, neglect of duty, or malfea-  
19   sance.

20          “(2) Not later than 5 business days after the end of  
21   each such 2-week period, such head shall submit a report  
22   describing such review to the Committee on Oversight and  
23   Government Reform of the House of Representatives and  
24   the Committee on Homeland Security and Governmental  
25   Affairs of the Senate.

1       “(3) At the end of a period of administrative leave  
2 implemented under this section, the head of the agency  
3 shall—

4               “(A) remove an employee placed on administra-  
5 tive leave under this section;

6               “(B) suspend such employee without pay; or

7               “(C) reinstate or restore such employee to duty.

8       “(4) At the discretion of the agency head, an em-  
9 ployee may be placed on one additional period of adminis-  
10 trative leave with respect to an action under this sub-  
11 chapter.

12       “(c) An employee against whom an action covered by  
13 this subchapter is proposed is entitled to, before being  
14 placed on administrative leave under this section—

15               “(1) at least 30 days’ advance written notice,  
16 stating specific reasons for the proposed action, un-  
17 less—

18                       “(A) there is reasonable cause to believe  
19 that the employee has committed a crime for  
20 which a sentence of imprisonment can be im-  
21 posed; or

22                       “(B) the agency head determines that the  
23 employee’s conduct with respect to which an ac-  
24 tion covered by this subchapter is proposed is  
25 serious or flagrant;

1           “(2) a reasonable time, but not less than 7  
2       days, to answer orally and in writing and to furnish  
3       affidavits and other documentary evidence in sup-  
4       port of the answer;

5           “(3) be represented by an attorney or other  
6       representative; and

7           “(4) a written decision and specific reasons  
8       therefor at the earliest practicable date.

9       “(d) For purposes of subsection (c)(1)(A), the head  
10   of an agency may determine that there is reasonable cause  
11   to believe that an employee has committed a crime for  
12   which a sentence of imprisonment can be imposed if the  
13   head receives a report from such agency’s Inspector Gen-  
14   eral, or, in the case of an agency without an Inspector  
15   General, from an employee of the agency designated by  
16   such head to carry out duties similar to duties of an in-  
17   specter general for purposes of this subsection, indicating  
18   that such employee has committed such a crime.

19       “(e) An agency may provide, by regulation, for a  
20   hearing which may be in lieu of or in addition to the op-  
21   portunity to answer provided under subsection (c)(2).

22       “(f) An employee against whom an action is taken  
23   under this section is entitled to appeal to the Merit Sys-  
24   tems Protection Board under section 7701.

1 “(g) Copies of the notice of proposed action, the an-  
2 swer of the employee when written, and a summary there-  
3 of when made orally, the notice of decision and reasons  
4 therefor, and any order effecting an action covered by this  
5 subchapter, together with any supporting material, shall  
6 be maintained by the agency and shall be furnished to the  
7 Merit Systems Protection Board upon its request and to  
8 the employee affected upon the employee’s request.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
10 the beginning of chapter 75 of title 5, United States Code,  
11 is amended by adding after the item relating to section  
12 7543 the following:

“SUBCHAPTER VI—ADMINISTRATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE  
EMPLOYEES

“Sec.

“7551. Definitions.

“7552. Actions covered.

“7553. Cause and procedure.”.

13 **SEC. 3. SUSPENSION OF SENIOR EXECUTIVE SERVICE EM-**  
14 **PLOYEES.**

15 Section 7543 of title 5, United States Code, is  
16 amended—

17 (1) in subsection (a), by inserting “misappro-  
18 priation of funds,” after “malfeasance,”;

19 (2) in subsection (b), by amending paragraph  
20 (1) to read as follows:

1           “(1) at least 30 days’ advance written notice,  
2           stating specific reasons for the proposed action, un-  
3           less—

4           “(A) there is reasonable cause to believe  
5           that the employee has committed a crime for  
6           which a sentence of imprisonment can be im-  
7           posed; or

8           “(B) the agency head determines that the  
9           employee’s conduct with respect to which an ac-  
10          tion covered by this subchapter is proposed is  
11          serious or flagrant;”; and

12          (3) by adding at the end the following:

13          “(f) For purposes of subsection (b)(1)(A), the head  
14          of an agency may determine that there is reasonable cause  
15          to believe that an employee has committed a crime for  
16          which a sentence of imprisonment can be imposed if the  
17          head receives a report from such agency’s Inspector Gen-  
18          eral, or, in the case of an agency without an Inspector  
19          General, from an employee of the agency designated by  
20          such head to carry out duties similar to duties of an in-  
21          specter general for purposes of this subsection, indicating  
22          that such employee has committed such a crime.”.

