

AMENDMENT TO RULES
COMMITTEE PRINT 119–8
OFFERED BY MS. CROCKETT OF TEXAS

At the end of subtitle A of title XI of division A, insert the following:

1 SEC. 11____. FLEXIBILITIES FOR FEDERAL EMPLOYEES
2 WHO ARE ARMED FORCES OR FOREIGN SERV-
3 ICE SPOUSES.

4 (a) IN GENERAL.—Not later than 30 calendar days
5 after receiving a request from a covered individual, the
6 head of the agency or instrumentality of the Federal Gov-
7 ernment employing such covered individual shall—

8 (1) to the extent practicable, authorize such
9 covered individual to work remotely if the head de-
10 termines that the duties of such covered individual
11 can be completed remotely;

12 (2) reassign the covered individual to a position,
13 for which the individual is qualified and of equal sta-
14 tus and base pay, in the agency or instrumentality
15 in the commuting area of the new permanent duty
16 location of the spouse of such covered individual;

17 (3) authorize the covered individual to perform
18 the duties of a different position of equal status and

1 base pay in the agency or instrumentality for which
2 the individual is qualified from an approved alter-
3 native worksite; or

4 (4) in the case of a covered individual who is
5 not authorized or able to be reassigned under para-
6 graphs (1), (2), or (3), upon the request of the cov-
7 ered individual, grant that individual leave without
8 pay for up to six months.

9 (b) WAIVER.—The Director of the Office of Per-
10 sonnel Management may grant an agency or instrumen-
11 tality of the Federal Government a waiver of subsection
12 (a) if the Director certifies that the agency or instrumen-
13 tality has developed and will faithfully implement, imme-
14 diately upon receipt of the waiver, a substantially similar
15 procedure that—

16 (1) aims to increase the retention of covered in-
17 dividuals;

18 (2) provides covered individuals an evaluation,
19 upon the request of any such individual, on whether
20 retention can be achieved, at a minimum, through
21 remote work or reassignment, or both;

22 (3) provides the covered individual, within 30
23 days of the request of such individual, a date certain
24 by which the agency will make a determination un-

1 less the date extended by mutual agreement of the
2 agency and individual;

3 (4) provides the application of subsection (a)(4)
4 as an option the covered individual may choose; and
5 (5) implements reporting requirements in sub-
6 section (d).

7 (c) LEAVE WITHOUT PAY.—A position held by a cov-
8 ered individual who is granted leave without pay under
9 this section shall not be considered encumbered and may
10 be backfilled by a permanent employee.

11 (d) REPORTS.—

12 (1) AGENCY REPORTS TO OPM.—Not later than
13 September 30 of the second full fiscal year after the
14 date of the enactment of this Act, and biennially
15 thereafter for the following four years, the head of
16 each agency or instrumentality of the Federal Gov-
17 ernment shall submit to the Director of the Office
18 of Personnel Management—

19 (A) a list of each request received by such
20 head under subsection (a) during the imme-
21 diately preceding fiscal year; and

22 (B) which action was taken by the head
23 under such subsection with respect to such a re-
24 quest.

1 (2) REPORT TO CONGRESS.—Not later than the
2 first April 15 following the date on which the head
3 of an agency or instrumentality submits the first re-
4 port under paragraph (1), and biennially thereafter
5 for the following four years, the Director shall pro-
6 vide a report to Congress detailing the information
7 received under paragraph (1), sorted by agency or
8 instrumentality.

9 (e) REHIRING OF SEPARATED INDIVIDUALS.—

10 (1) IN GENERAL.—An individual covered by
11 subsection (a)(4) shall be covered by this subsection
12 until the individual re-enters the Federal service.

13 (2) SECURITY CLEARANCES.—An individual
14 granted leave without pay under subsection (a)(4)
15 and who has been determined to be eligible for na-
16 tional security positions shall not be subject to addi-
17 tional security reviews, completion of a new security
18 questionnaire, or initiation of a new investigative
19 check, unless credible derogatory information that
20 was not previously adjudicated becomes known, or
21 the previous adjudication was granted by a condi-
22 tion, deviation, or waiver, under section 156.5(h)(3)
23 of title 32, Code of Federal Regulations, (or any
24 successor regulation) if there has not been a break
25 in service of a period of more than 24 months, or

1 the duration of the individual's spouse's relocation
2 orders plus 12 months, whichever is greater.

3 (3) REINSTATEMENT AUTHORITY.—The dura-
4 tion of the relocation orders of the spouse of an indi-
5 vidual covered by subsection (a)(4) shall not count
6 against the three-year limit for reinstatement of
7 non-career tenure individuals under section 315.401
8 of title 5, Code of Federal Regulations (or any suc-
9 cessor regulation).

10 (f) EFFECTIVE DATE.—This Act shall take effect
11 180 days after the date of the enactment of this Act, ex-
12 cept that the Director may, beginning on the date of the
13 enactment of this Act, approve waivers pursuant to section
14 2(b) if an agency or instrumentality of the Federal Gov-
15 ernment has in place on such date of enactment policies
16 and procedures that would qualify for waiver under such
17 section.

18 (g) COVERED INDIVIDUAL DEFINED.—In this sec-
19 tion, the term “covered individual” means an individual—

20 (1) who is the spouse of—

21 (A) a member of the armed forces serving
22 on active duty (as defined in section 3330d of
23 title 5, United States Code); or

24 (B) a member of the Foreign Service (as
25 defined in section 103 of the Foreign Service

1 Act of 1980 (22 U.S.C. 3903)), including mem-
2 bers of the Foreign Service serving at agencies
3 other than the Department of State that use
4 the Foreign Service personnel system pursuant
5 to section 202 of such Act (22 U.S.C. 3922);

6 (2) who is an employee of an agency or instru-
7 mentality of the Federal Government;

8 (3) whose duties as such an employee do not in-
9 clude—

10 (A) developing, refining, or implementing
11 diversity, equity, and inclusion policies;

12 (B) leading working groups or advisory
13 councils developing measurements of diversity,
14 equity, and inclusion performance or outcomes;
15 or

16 (C) creating or implementing education,
17 training courses, or workshops on diversity, eq-
18 uity, and inclusion for military or civilian em-
19 ployees of the Government; and

20 (4) who relocates with the spouse of such indi-
21 vidual because such spouse, as such a member, re-
22 ceives a permanent change of station or similar re-
23 quirement to relocate.

