

114TH CONGRESS
2D SESSION

S. 2450

To amend title 5, United States Code, to address administrative leave for Federal employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2016

Mr. TESTER (for himself, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to address administrative leave for Federal employees, 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 “Administrative Leave
5 Act of 2016”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress 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 administrative leave, an
13 agency should consider other actions, including—

14 (A) temporary reassignment;

15 (B) transfer; and

16 (C) telework;

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

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

23 (B) an appropriate personnel action is
24 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 this Act.

14 **SEC. 3. ADMINISTRATIVE LEAVE.**

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

18 **“§ 6329. Administrative leave**

19 “(a) DEFINITIONS.—In this section—

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

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

23 “(i) pay;

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

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

2 “(B) that is not authorized under any
3 other provision of law;

4 “(2) the term ‘agency’—

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

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

9 “(3) the term ‘employee’ means an employee of
10 an agency.

11 “(b) ADMINISTRATIVE LEAVE.—

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

15 “(2) RULE OF CONSTRUCTION.—Nothing in
16 paragraph (1) shall be construed to limit the use of
17 leave that was specifically authorized under law on
18 the day before the date of enactment of this section.

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

22 “(c) REGULATIONS.—

23 “(1) OPM REGULATIONS.—Not later than 1
24 year after the date of enactment of this section, the

1 Director of the Office of Personnel Management
2 shall—

3 “(A) prescribe regulations to carry out this
4 section; and

5 “(B) prescribe regulations that provide
6 guidance to agencies regarding—

7 “(i) acceptable agency uses of admin-
8 istrative leave; and

9 “(ii) the proper recording of—

10 “(I) administrative leave; and

11 “(II) other leave authorized by
12 law.

13 “(2) AGENCY ACTION.—Not later than 1 year
14 after the date on which the Director of the Office of
15 Personnel Management prescribes regulations under
16 paragraph (1), each agency shall revise and imple-
17 ment the internal policies of the agency to meet the
18 requirements of this section.”.

19 (b) OPM STUDY.—Not later than 120 days after the
20 date of enactment of this Act, the Director of the Office
21 of Personnel Management, in consultation with Federal
22 agencies, groups representing Federal employees, and
23 other relevant stakeholders, shall submit to the Committee
24 on Homeland Security and Governmental Affairs of the
25 Senate and the Committee on Oversight and Government

1 Reform of the House of Representatives a report identi-
 2 fying agency practices, before the date of enactment of
 3 this Act, of placing an employee in administrative leave
 4 for more than 5 consecutive days when the placement was
 5 not specifically authorized by law.

6 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 7 The table of sections for subchapter II of chapter 63 of
 8 title 5, United States Code, is amended by inserting after
 9 the item relating to section 6328 the following:

“6329. Administrative leave.”.

10 **SEC. 4. INVESTIGATIVE LEAVE AND NOTICE LEAVE.**

11 (a) IN GENERAL.—Subchapter II of chapter 63 of
 12 title 5, United States Code, as amended by this Act, is
 13 further amended by adding at the end the following:

14 **“§ 6330. Investigative leave and notice leave**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘agency’—

17 “(A) means an Executive agency (as de-
 18 fined in section 105 of this title);

19 “(B) does not include the Government Ac-
 20 countability Office; and

21 “(C) for the purposes of notice leave,
 22 means the employing agency of an employee
 23 covered under chapter 75;

24 “(2) the term ‘Chief Human Capital Officer’
 25 means—

1 “(A) the Chief Human Capital Officer of
2 an agency designated or appointed under sec-
3 tion 1401; or

4 “(B) the equivalent;

5 “(3) the term ‘committees of jurisdiction’, with
6 respect to an agency, means each committee in the
7 Senate and House of Representatives with jurisdic-
8 tion over the agency;

9 “(4) the term ‘Director’ means the Director of
10 the Office of Personnel Management;

11 “(5) the term ‘employee’—

12 “(A) means an employee of an agency; and

13 “(B) does not include the Inspector Gen-
14 eral of an agency;

15 “(6) the term ‘investigative leave’ means
16 leave—

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

18 “(i) pay;

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

21 “(iii) credit for time or service;

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

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

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

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

3 “(i) pay;

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

6 “(iii) credit for time or service;

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

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

11 “(8) the term ‘notice period’ means a period be-
12 ginning on the date on which an employee is pro-
13 vided notice required under law of a proposed ad-
14 verse action against the employee and ending on the
15 date on which an agency may take the adverse ac-
16 tion.

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

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

21 “(A) investigative leave if the employee is
22 the subject of an investigation;

23 “(B) notice leave if the employee is in a
24 notice period; or

1 “(C) notice leave following a placement in
2 investigative leave if, not later than the day
3 after the last day of the period of investigative
4 leave—

5 “(i) the agency proposes or initiates
6 an adverse action against the employee;
7 and

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

11 “(2) REQUIREMENTS.—An agency may place
12 an employee in leave under paragraph (1) only if the
13 agency has—

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

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

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

20 “(c) EMPLOYEES UNDER INVESTIGATION OR IN A
21 NOTICE PERIOD.—

22 “(1) DETERMINATIONS.—An agency may not
23 place an employee in investigative leave or notice
24 leave under subsection (b) unless the continued pres-
25 ence of the employee in the workplace during an in-

1 investigation of the employee or while the employee is
2 in a notice period, if applicable, may—

3 “(A) pose a threat to the employee or oth-
4 ers;

5 “(B) result in the destruction of evidence
6 relevant to an investigation;

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

9 “(D) otherwise jeopardize legitimate Gov-
10 ernment interests.

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

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

20 “(i) safety;

21 “(ii) the mission of the agency;

22 “(iii) Government property; or

23 “(iv) evidence relevant to an investiga-
24 tion.

1 “(B) Allowing the employee to take leave
2 for which the employee is eligible.

3 “(C) Requiring the employee to telework
4 under section 6502(c).

5 “(D) If the employee has become absent
6 without requesting leave, carrying the employee
7 in absence without leave status.

8 “(E) For an employee subject to a notice
9 period, curtailing the notice period if there is
10 reasonable cause to believe the employee has
11 committed a crime for which a sentence of im-
12 prisonment may be imposed.

13 “(3) DURATION OF LEAVE.—

14 “(A) INVESTIGATIVE LEAVE.—Subject to
15 extensions of a period of investigative leave for
16 which an employee may be eligible under sub-
17 sections (d) and (e), the initial placement of an
18 employee in investigative leave shall be for a pe-
19 riod not longer than 10 days.

20 “(B) NOTICE LEAVE.—Placement of an
21 employee in notice leave shall be for a period
22 not longer than the duration of the notice pe-
23 riod.

24 “(4) EXPLANATION OF LEAVE.—

1 “(A) IN GENERAL.—If an agency places an
2 employee in leave under subsection (b), the
3 agency shall provide the employee a written ex-
4 planation of the leave placement and the rea-
5 sons for the leave placement.

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

9 “(i) the applicable limitations under
10 paragraph (3); and

11 “(ii) in the case of a placement in in-
12 vestigative leave, an explanation that, at
13 the conclusion of the period of leave, the
14 agency shall take an action under para-
15 graph (5).

16 “(5) AGENCY ACTION.—Not later than the day
17 after the last day of a period of investigative leave
18 for an employee under subsection (b)(1), an agency
19 shall—

20 “(A) return the employee to regular duty
21 status;

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

1 “(i) assigning the employee to duties
2 in which the employee is no longer a threat
3 to—

4 “(I) safety;

5 “(II) the mission of the agency;

6 “(III) Government property; or

7 “(IV) evidence relevant to an in-
8 vestigation;

9 “(ii) allowing the employee to take
10 leave for which the employee is eligible;

11 “(iii) requiring the employee to
12 telework under section 6502(c);

13 “(iv) if the employee has become ab-
14 sent without requesting leave, carrying the
15 employee in absence without leave status;
16 or

17 “(v) for an employee subject to a no-
18 tice period, curtailing the notice period if
19 there is reasonable cause to believe the em-
20 ployee has committed a crime for which a
21 sentence of imprisonment may be imposed;

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

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

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

7 “(d) INITIAL EXTENSION OF INVESTIGATIVE
8 LEAVE.—

9 “(1) IN GENERAL.—Subject to paragraph (4),
10 if the Chief Human Capital Officer of an agency, or
11 the designee of the Chief Human Capital Officer,
12 approves such an extension after consulting with the
13 investigator responsible for conducting the investiga-
14 tion to which an employee is subject, the agency may
15 extend the period of investigative leave for the em-
16 ployee under subsection (b) for not more than 30
17 days.

18 “(2) MAXIMUM NUMBER OF EXTENSIONS.—The
19 total period of additional investigative leave for an
20 employee under paragraph (1) may not exceed 110
21 days.

22 “(3) DESIGNATION GUIDANCE.—Not later than
23 1 year after the date of enactment of this section,
24 the Chief Human Capital Officers Council shall
25 issue guidance to ensure that if the Chief Human

1 Capital Officer of an agency delegates the authority
2 to approve an extension under paragraph (1) to a
3 designee, the designee is at a sufficiently high level
4 within the agency to make an impartial and inde-
5 pendent determination regarding the extension.

6 “(4) EXTENSIONS FOR OIG EMPLOYEES.—

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

9 “(i) the Inspector General or the des-
10 ignee of the Inspector General, rather than
11 the Chief Human Capital Officer or the
12 designee of the Chief Human Capital Offi-
13 cer, shall approve an extension of a period
14 of investigative leave for the employee
15 under paragraph (1); or

16 “(ii) at the request of the Inspector
17 General, the head of the agency within
18 which the Office of Inspector General is lo-
19 cated shall designate an official of the
20 agency to approve an extension of a period
21 of investigative leave for the employee
22 under paragraph (1).

23 “(B) GUIDANCE.—Not later than 1 year
24 after the date of enactment of this section, the
25 Council of the Inspectors General on Integrity

1 and Efficiency shall issue guidance to ensure
2 that if the Inspector General or the head of an
3 agency, at the request of the Inspector General,
4 delegates the authority to approve an extension
5 under subparagraph (A) to a designee, the des-
6 ignee is at a sufficiently high level within the
7 Office of Inspector General or the agency, as
8 applicable, to make an impartial and inde-
9 pendent determination regarding the extension.

10 “(e) FURTHER EXTENSION OF INVESTIGATIVE
11 LEAVE.—

12 “(1) IN GENERAL.—After reaching the limit
13 under subsection (d)(2), an agency may further ex-
14 tend a period of investigative leave for an employee
15 for a period of not more than 60 days if, before the
16 further extension begins, the head of the agency or,
17 in the case of an employee of an Office of Inspector
18 General, the Inspector General submits a notifica-
19 tion that includes the reasons for the further exten-
20 sion to the—

21 “(A) committees of jurisdiction;

22 “(B) Committee on Homeland Security
23 and Governmental Affairs of the Senate; and

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

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

4 “(3) OPM REVIEW.—An agency shall request
5 from the Director, and include with the notification
6 required under paragraph (1), the opinion of the Di-
7 rector—

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

11 “(B) which shall not be binding on the
12 agency.

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

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

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

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

4 “(3) result in loss of or damage to Government
5 property; or

6 “(4) otherwise jeopardize legitimate Govern-
7 ment interests.

8 “(g) REPORTING AND RECORDS.—

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

12 “(A) the basis for the determination made
13 under subsection (c)(1);

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

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

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

19 “(E) the reasons for authorizing the leave,
20 including, if applicable, the recommendation
21 made by an investigator under subsection
22 (d)(1); and

23 “(F) the action taken by the agency at the
24 end of the period of leave, including, if applica-

1 ble, the granting of any extension of a period
2 of investigative leave.

3 “(2) AVAILABILITY OF RECORDS.—An agency
4 shall make a record kept under paragraph (1) avail-
5 able—

6 “(A) to any committee of Congress, upon
7 request;

8 “(B) to the Office of Personnel Manage-
9 ment; and

10 “(C) as otherwise required by law, includ-
11 ing for the purposes of the Administrative
12 Leave Act of 2016.

13 “(h) REGULATIONS.—

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

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

19 “(i) investigative leave; and

20 “(ii) notice leave;

21 “(B) the proper recording of—

22 “(i) the leave categories described in
23 subparagraph (A); and

24 “(ii) other leave authorized by law;

1 “(C) baseline factors that an agency shall
2 consider when making a determination that the
3 continued presence of an employee in the work-
4 place may—

5 “(i) pose a threat to the employee or
6 others;

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

9 “(iii) result in loss or damage to Gov-
10 ernment property; or

11 “(iv) otherwise jeopardize legitimate
12 Government interests; and

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

16 “(2) AGENCY ACTION.—Not later than 1 year
17 after the date on which the Director prescribes regu-
18 lations under paragraph (1), each agency shall revise
19 and implement the internal policies of the agency to
20 meet the requirements of this section.”.

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

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

24 (2) by redesignating clause (xii) as clause (xiii);

25 and

1 (3) by inserting after clause (xi) the following:

2 “(xii) a determination made by an agency
3 under section 6330(c)(1) that the continued
4 presence of an employee in the workplace dur-
5 ing an investigation of the employee or while
6 the employee is in a notice period, if applicable,
7 may—

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

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

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

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

16 (c) GAO REPORT.—Not later than 5 years after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall submit to Congress a report
19 evaluating the implementation of the authority provided
20 under sections 6329 and 6330 of title 5, United States
21 Code, as added by section 3(a) and subsection (a) of this
22 section, respectively, including—

23 (1) an assessment of agency use of the author-
24 ity provided under subsection (e) of such section
25 6330, including data regarding—

1 (A) the number and length of extensions
2 granted under that subsection; and

3 (B) the number of times that the Director
4 of the Office of Personnel Management, under
5 paragraph (3) of that subsection—

6 (i) concurred with the decision of an
7 agency to grant an extension; and

8 (ii) did not concur with the decision of
9 an agency to grant an extension, including
10 the bases for those opinions of the Direc-
11 tor;

12 (2) recommendations to Congress, as appro-
13 priate, on the need for extensions beyond the exten-
14 sions authorized under subsection (d) of such section
15 6330; and

16 (3) a review of the practice of agency placement
17 of an employee in investigative or notice leave under
18 subsection (b) of such section 6330 because of a de-
19 termination under subsection (c)(1)(D) of that sec-
20 tion that the employee jeopardized legitimate Gov-
21 ernment interests, including whether any agency
22 abused the authority of the agency by making such
23 a placement when the placement based on such a de-
24 termination was not justified.

1 (d) TELEWORK.—Section 6502 of title 5, United
 2 States Code, is amended by adding at the end the fol-
 3 lowing:

4 “(c) REQUIRED TELEWORK.—If an agency deter-
 5 mines under section 6330(e)(1) that the continued pres-
 6 ence of an employee in the workplace during an investiga-
 7 tion of the employee or while the employee is in a notice
 8 period, if applicable, may pose 1 or more of the threats
 9 described in that section and the employee is eligible to
 10 telework under subsections (a) and (b) of this section, the
 11 agency may require the employee to telework for the dura-
 12 tion of the investigation or the notice period, if applica-
 13 ble.”.

14 (e) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The table of sections for subchapter II of chapter 63 of
 16 title 5, United States Code, is amended by inserting after
 17 the item relating to section 6329, as added by this Act,
 18 the following:

“6330. Investigative leave and notice leave.”.

19 **SEC. 5. LEAVE FOR WEATHER AND SAFETY ISSUES.**

20 (a) IN GENERAL.—Subchapter II of chapter 63 of
 21 title 5, United States Code, as amended by this Act, is
 22 further amended by adding at the end the following:

23 **“§ 6331. Weather and safety leave**

24 “(a) DEFINITIONS.—In this section—

25 “(1) the term ‘agency’—

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

3 “(B) does not include the Government Ac-
4 countability Office; and

5 “(2) the term ‘employee’ means an employee of
6 an agency.

7 “(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—
8 An agency may approve the provision of leave to an em-
9 ployee or a group of employees without loss of or reduction
10 in the pay of the employee or employees, leave to which
11 the employee or employees are otherwise entitled, or credit
12 to the employee or employees for time or service only if
13 the employee or group of employees is prevented from
14 safely traveling to or performing work at an approved loca-
15 tion due to—

16 “(1) an act of God;

17 “(2) a terrorist attack; or

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

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

24 “(d) REGULATIONS.—Not later than 1 year after the
25 date of enactment of this section, the Director of the Of-

1 fice of Personnel Management shall prescribe regulations
2 to carry out this section, including—

3 “(1) guidance to agencies regarding the appro-
4 priate purposes for providing leave under this sec-
5 tion; and

6 “(2) the proper recording of leave provided
7 under this section.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—

9 The table of sections for subchapter II of chapter 63 of
10 title 5, United States Code, is amended by inserting after
11 the item relating to section 6330, as added by this Act,
12 the following:

“6331. Weather and safety leave.”.

13 **SEC. 6. ADDITIONAL OVERSIGHT.**

14 (a) IN GENERAL.—Not later than 3 years after the
15 date of enactment of this Act, the Director of the Office
16 of Personnel Management shall complete a review of agen-
17 cy policies to determine whether agencies have complied
18 with the requirements of this Act.

19 (b) REPORT TO CONGRESS.—Not later than 90 days
20 after completing the review under subsection (a), the Di-
21 rector shall submit to Congress a report evaluating the
22 results of the review.

○