

## Calendar No. 505

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3011**

To improve the accountability, efficiency, transparency, and overall effectiveness of the Federal Government.

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IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

Mr. JOHNSON introduced the following bill; which was read the first time

JUNE 6, 2016

Read the second time and placed on the calendar

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**A BILL**

To improve the accountability, efficiency, transparency, and overall effectiveness of the Federal Government.

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 “Bolster Accountability  
5 to Drive Government Efficiency and Reform Washington  
6 Act of 2016”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

## TITLE I—EFFICIENCY, TRANSPARENCY, AND OTHER REFORMS

### Subtitle A—Federal Real Property Sale and Management

- Sec. 1101. Definitions.
- Sec. 1102. Federal Real Property Reform Board.
- Sec. 1103. Property management.
- Sec. 1104. Agency retention of proceeds.
- Sec. 1105. Surplus property donations to museums.
- Sec. 1106. Duties of Federal agencies.
- Sec. 1107. Streamlining the McKinney-Vento Homeless Assistance Act.

### Subtitle B—Taxpayers Right to Know

- Sec. 1201. Short title.
- Sec. 1202. Inventory of Government programs.
- Sec. 1203. Guidance and implementation.

### Subtitle C—Stopping Improper Payments to Deceased People

- Sec. 1301. Short title.
- Sec. 1302. Distribution of death information furnished to or maintained by the social security administration.
- Sec. 1303. Improving the use of death data by government agencies to curb improper payments.
- Sec. 1304. Plan for ensuring the accuracy and completeness of death data maintained and distributed by the Social Security Administration.
- Sec. 1305. Report on information security.

### Subtitle D—Fraud Reduction and Data Analytics

- Sec. 1401. Short title.
- Sec. 1402. Definitions.
- Sec. 1403. Establishment of financial and administrative controls relating to fraud and improper payments.
- Sec. 1404. Working group.

### Subtitle E—Duplication Reduction and Agency Coordination

- Sec. 1501. Short title.
- Sec. 1502. Purpose.
- Sec. 1503. Identification, consolidation, and elimination of unnecessarily duplicative Government programs.
- Sec. 1504. Improvements to elimination of unnecessary duplication.

### Subtitle F—Administrative Leave

- Sec. 1601. Short title.
- Sec. 1602. Sense of Congress.
- Sec. 1603. Administrative leave.
- Sec. 1604. Investigative leave and notice leave.
- Sec. 1605. Leave for weather and safety issues.
- Sec. 1606. Additional oversight.

Subtitle G—Enhancements for Inspectors General

PART I—INSPECTOR GENERAL EMPOWERMENT

- Sec. 1701. Short title.
- Sec. 1702. Nonduty status of Inspectors General; nominal supervision.
- Sec. 1703. Additional authority provisions for Inspectors General.
- Sec. 1704. Additional responsibilities and resources of the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 1705. Reports and additional information.
- Sec. 1706. Full and prompt access to all documents.
- Sec. 1707. Access to information for certain Inspectors General.
- Sec. 1708. Technical and conforming amendments.

PART II—INSPECTOR GENERAL MANDATES REPORTING

- Sec. 1751. Short title.
- Sec. 1752. Reporting requirements of Inspectors General.

Subtitle H—Enhancements for Government Accountability Office

PART I—GOVERNMENT ACCOUNTABILITY OFFICE MANDATES REVISIONS

- Sec. 1801. Short title.
- Sec. 1802. Reports eliminated.
- Sec. 1803. Reports modified.

PART II—GOVERNMENT ACCOUNTABILITY OFFICE ACCESS AND OVERSIGHT

- Sec. 1851. Short title.
- Sec. 1852. Access to certain information.

Subtitle I—Stopping Wasteful Federal Bonuses

- Sec. 1901. Short title.
- Sec. 1902. Bonuses.

Subtitle J—Eliminating Government-funded Oil-paintings

- Sec. 1921. Short title.
- Sec. 1922. Prohibition on use of funds for portraits.

Subtitle K—Presidential Allowance Modernization

- Sec. 1941. Short title.
- Sec. 1942. Amendments.
- Sec. 1943. Rule of construction.
- Sec. 1944. Transition rules.
- Sec. 1945. Applicability.

Subtitle L—Making Electronic Government Accountable

- Sec. 1961. Short title.
- Sec. 1962. OMB Directive on management of software licenses.

Subtitle M—Construction Consensus Procurement Improvement

- Sec. 1981. Short title.
- Sec. 1982. Congressional findings.
- Sec. 1983. Design-build construction process improvement.

Sec. 1984. Prohibition on the use of a reverse auction for the award of a contract for design and construction services.

## TITLE II—ACCOUNTABILITY ENHANCEMENTS

### Subtitle A—Expanded Whistleblower Protections for Employees

Sec. 2101. Short title.

#### PART I—EMPLOYEES GENERALLY

- Sec. 2121. Definitions.
- Sec. 2122. Stays; probationary employees.
- Sec. 2123. Adequate access of Special Counsel to information.
- Sec. 2124. Prohibited personnel practices.
- Sec. 2125. Discipline of supervisors based on retaliation against whistleblowers.
- Sec. 2126. Suicide by employees.
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- Sec. 2128. Information on whistleblower protections.

#### PART II—DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

- Sec. 2141. Prevention of unauthorized access to medical records of employees of the Department of Veterans Affairs.
- Sec. 2142. Outreach on availability of mental health services available to employees of the Department of Veterans Affairs.
- Sec. 2143. Protocols to address threats against employees of the Department of Veterans Affairs.
- Sec. 2144. Comptroller General of the United States study on accountability of chiefs of police of Department of Veterans Affairs medical centers.

### Subtitle B—Enhanced Whistleblower Protection for Contractor and Grantee Employees

Sec. 2201. Enhancement of whistleblower protection for contractor and grantee employees.

### Subtitle C—Office of Special Counsel Reauthorization

- Sec. 2301. Short title.
- Sec. 2302. Adequate access of Special Counsel to information.
- Sec. 2303. Prohibited personnel practices; information on whistleblower protections.
- Sec. 2304. Additional whistleblower provisions.
- Sec. 2305. Termination of certain investigations by the Office of Special Counsel.
- Sec. 2306. Allegations of wrongdoing within the Office of Special Counsel.
- Sec. 2307. Reporting requirements.
- Sec. 2308. Establishment of survey pilot program.
- Sec. 2309. Authorization of appropriations.

1 **TITLE I—EFFICIENCY, TRANS-**  
2 **PARENCY, AND OTHER RE-**  
3 **FORMS**

4 **Subtitle A—Federal Real Property**  
5 **Sale and Management**

6 **SEC. 1101. DEFINITIONS.**

7 In this subtitle:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of General Serv-  
10 ices.

11 (2) BOARD.—The term “Board” means the  
12 Federal Real Property Reform Board established by  
13 section 1102.

14 (3) DIRECTOR.—The term “Director” means  
15 the Director of the Office of Management and Budg-  
16 et.

17 (4) FEDERAL AGENCY.—The term “Federal  
18 agency” means—

19 (A) an executive department or inde-  
20 pendent establishment in the executive branch  
21 of the Government; and

22 (B) a wholly owned Government corpora-  
23 tion.

24 (5) FEDERAL CIVILIAN REAL PROPERTY AND  
25 CIVILIAN REAL PROPERTY.—

1 (A) IN GENERAL.—The terms “Federal ci-  
2 vilian real property” and “civilian real prop-  
3 erty” mean Federal real property assets, includ-  
4 ing—

5 (i) public buildings (as defined in sec-  
6 tion 3301 of title 40, United States Code);

7 (ii) occupied and improved grounds;

8 (iii) leased space; and

9 (iv) other physical structures under  
10 the custody and control of any Federal  
11 agency.

12 (B) EXCLUSIONS.—The terms “Federal ci-  
13 vilian real property” and “civilian real prop-  
14 erty” do not include—

15 (i) any military installation (as de-  
16 fined in section 2910 of the Defense Base  
17 Closure and Realignment Act of 1990 (10  
18 U.S.C. 2687 note; Public Law 101–510));

19 (ii) any property that is excepted from  
20 the definition of the term “property”  
21 under section 102 of title 40, United  
22 States Code;

23 (iii) Indian and native Eskimo prop-  
24 erty held in trust by the Federal Govern-  
25 ment as described in section

1                   3301(a)(5)(C)(iii) of title 40, United  
2 States Code;

3                   (iv) real property operated and main-  
4 tained by the Tennessee Valley Authority  
5 pursuant to the Tennessee Valley Author-  
6 ity Act of 1933 (16 U.S.C. 831 et seq.);

7                   (v) any real property the Director ex-  
8 cludes for reasons of national security;

9                   (vi) any public lands (as defined in  
10 section 203 of the Public Lands Corps Act  
11 of 1993 (16 U.S.C. 1722)) administered  
12 by—

13                   (I) the Secretary of the Interior,  
14 acting through—

15                   (aa) the Director of the Bu-  
16 reau of Land Management;

17                   (bb) the Director of the Na-  
18 tional Park Service;

19                   (cc) the Commissioner of  
20 Reclamation; or

21                   (dd) the Director of the  
22 United States Fish and Wildlife  
23 Service; or

1 (II) the Secretary of Agriculture,  
2 acting through the Chief of the Forest  
3 Service; or

4 (vii) any postal property.

5 (6) FIELD OFFICE.—The term “field office”  
6 means any office of a Federal agency that is not the  
7 headquarters office location for the Federal agency.

8 (7) POSTAL PROPERTY.—The term “postal  
9 property” means any property owned or leased by  
10 the United States Postal Service.

11 **SEC. 1102. FEDERAL REAL PROPERTY REFORM BOARD.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—There is established an inde-  
14 pendent board to be known as the Federal Real  
15 Property Reform Board.

16 (2) DUTIES.—The Board shall carry out the  
17 duties described in subsection (c).

18 (3) MEMBERSHIP.—

19 (A) IN GENERAL.—The Board shall be  
20 composed of—

21 (i) a Chairperson appointed by the  
22 President, by and with the advice and con-  
23 sent of the Senate; and

24 (ii) 6 members appointed by the  
25 President.



1 (B) APPOINTMENTS.—In making appoint-  
2 ments to the Board under subparagraph (A)(ii),  
3 the President shall consult with—

4 (i) the Speaker of the House of Rep-  
5 resentatives concerning the appointment of  
6 2 members;

7 (ii) the majority leader of the Senate  
8 concerning the appointment of 2 members;

9 (iii) the minority leader of the House  
10 of Representatives concerning the appoint-  
11 ment of 1 member; and

12 (iv) the minority leader of the Senate  
13 concerning the appointment of 1 member.

14 (C) TERMS.—The term for each member  
15 of the Board shall be 6 years.

16 (D) VACANCIES.—A vacancy on the Board  
17 shall be filled in the same manner in which the  
18 original appointment was made.

19 (E) QUALIFICATIONS.—In making appoint-  
20 ments to the Board, the President shall ensure  
21 that the Board contains individuals with exper-  
22 tise representative of—

23 (i) commercial real estate and redev-  
24 opment;

- 1 (ii) space optimization and utilization;  
 2 and  
 3 (iii) community development, includ-  
 4 ing transportation and planning.

5 (4) BOARD MEETINGS.—

6 (A) OPEN MEETINGS.—

7 (i) IN GENERAL.—Each meeting of  
 8 the Board, other than meetings in which  
 9 classified information is to be discussed,  
 10 shall—

11 (I) be open to the public; and

12 (II) be announced in the Federal  
 13 Register and the Federal website es-  
 14 tablished by the Board at least 14 cal-  
 15 endar days in advance of a meeting.

16 (ii) AGENDA; MATERIALS.—For each  
 17 meeting, the Board shall release an agenda  
 18 and a listing of materials relevant to the  
 19 topics to be discussed.

20 (B) QUORUM AND MEETINGS.—Of the  
 21 members of the Board—

22 (i) 5 shall constitute a quorum for the  
 23 purposes of conducting business; and

24 (ii) 3 or more shall constitute a meet-  
 25 ing of the Board.

1 (C) TRANSPARENCY OF INFORMATION.—

2 (i) CONGRESS.—All the proceedings,  
3 information, and deliberations of the  
4 Board shall be open, on request, to the  
5 Chairperson and the ranking minority  
6 party member, and the respective sub-  
7 committee Chairperson and ranking minor-  
8 ity party member, of—

9 (I) the Committee on Homeland  
10 Security and Governmental Affairs of  
11 the Senate;

12 (II) the Committee on Oversight  
13 and Government Reform of the House  
14 of Representatives;

15 (III) the Committee on Environ-  
16 ment and Public Works of the Senate;

17 (IV) the Committee on Transpor-  
18 tation and Infrastructure of the  
19 House of Representatives;

20 (V) the Committee on Appropria-  
21 tions of the Senate; and

22 (VI) the Committee on Appro-  
23 priations of the House of Representa-  
24 tives.

1                   (ii) GOVERNMENT ACCOUNTABILITY  
2 OFFICE.—All proceedings, information,  
3 and deliberations of the Board shall be  
4 open, on request, to the Comptroller Gen-  
5 eral of the United States.

6           (5) COMPENSATION AND TRAVEL EXPENSES.—

7                   (A) COMPENSATION.—

8                   (i) RATE OF PAY FOR MEMBERS.—  
9           Each member of the Board, other than the  
10 Chairperson, shall be paid at a rate equal  
11 to the daily equivalent of the minimum an-  
12 nual rate of basic pay payable for level IV  
13 of the Executive Schedule under section  
14 5315 of title 5, United States Code, for  
15 each day (including travel time) during  
16 which the member is engaged in the actual  
17 performance of duties vested in the Board.

18                   (ii) RATE OF PAY FOR CHAIR-  
19 PERSON.—The Chairperson of the Board  
20 shall be paid for each day referred to in  
21 clause (i) at a rate equal to the daily  
22 equivalent of the minimum annual rate of  
23 basic pay payable for level III of the Exec-  
24 utive Schedule under section 5314, of title  
25 5, United States Code.

1 (B) TRAVEL.—A member of the Board  
2 shall receive travel expenses, including per diem  
3 in lieu of subsistence, in accordance with sec-  
4 tions 5702 and 5703 of title 5, United States  
5 Code.

6 (6) EXECUTIVE DIRECTOR.—

7 (A) APPOINTMENT.—The Board—

8 (i) shall appoint an Executive Direc-  
9 tor; and

10 (ii) shall not be required to comply  
11 with the provisions of title 5, United States  
12 Code, governing appointments in the com-  
13 petitive service.

14 (B) RATE OF PAY FOR DIRECTOR.—The  
15 Executive Director shall be paid at the rate of  
16 basic pay payable for level IV of the Executive  
17 Schedule under section 5315 of title 5, United  
18 States Code.

19 (7) STAFF.—

20 (A) ADDITIONAL PERSONNEL.—Subject to  
21 subparagraph (B), the Executive Director may  
22 request additional personnel detailed from Fed-  
23 eral agencies.

24 (B) DETAIL EMPLOYEES FROM OTHER  
25 AGENCIES.—On request of the Chairperson and

1 after approval of the Director, the head of any  
2 Federal agency shall detail the requested per-  
3 sonnel of that agency to the Board to assist the  
4 Board in carrying out the duties of the Board.

5 (C) QUALIFICATIONS.—Appointments shall  
6 be made with consideration of a balance of ex-  
7 pertise consistent with the qualifications of rep-  
8 resentatives described in paragraph (3)(E).

9 (8) CONTRACTING AUTHORITY.—

10 (A) EXPERTS AND CONSULTANTS.—The  
11 Board, to the maximum extent practicable and  
12 subject to the availability of appropriations,  
13 shall use existing contracts, including non-  
14 appropriated contracts, entered into by the Ad-  
15 ministrator for services necessary to carry out  
16 the duties of the Board.

17 (B) OFFICE SPACE.—The Administrator,  
18 in consultation with the Board, shall identify  
19 and provide, without charge, suitable office  
20 space within the Federal property inventory to  
21 house the operations of the Board.

22 (C) PERSONAL PROPERTY.—The Adminis-  
23 trator shall provide to the Board any personal  
24 property already in the custody and control of

1 the Administrator that is needed to carry out  
2 the duties of the Board.

3 (9) TERMINATION OF BOARD.—The Board and  
4 the authority of the Board shall terminate on the  
5 date that is 6 years after the date of enactment of  
6 this Act.

7 (b) DEVELOPMENT OF RECOMMENDATIONS TO THE  
8 BOARD.—

9 (1) SUBMISSIONS OF AGENCY INFORMATION  
10 AND RECOMMENDATIONS.—Not later than 120 days  
11 after the date of enactment of this Act and not later  
12 than 120 days after the beginning of each fiscal year  
13 thereafter, the head of each Federal agency shall  
14 submit to the Administrator and the Director a re-  
15 port that includes—

16 (A) current data of all Federal civilian real  
17 properties owned, leased, or controlled by the  
18 respective agency (including all relevant infor-  
19 mation prescribed by the Administrator and the  
20 Director), including data relating to—

- 21 (i) the age and condition of the prop-  
22 erty;
- 23 (ii) operating costs;
- 24 (iii) the history of capital expendi-  
25 tures;

1 (iv) sustainability metrics;

2 (v) the number of Federal employees  
3 and functions housed in the respective  
4 property; and

5 (vi) the square footage (including  
6 gross, rentable, and usable) of each prop-  
7 erty; and

8 (B) recommendations as to—

9 (i) any Federal civilian properties that  
10 can be sold for proceeds and otherwise dis-  
11 posed of, reported as excess, declared sur-  
12 plus, or outleased or are otherwise no  
13 longer meeting the needs of the agency, ex-  
14 cluding leasebacks or other exchange  
15 agreements where the property continues  
16 to be used by the agency;

17 (ii) any Federal civilian properties  
18 that can be transferred, exchanged, con-  
19 solidated, colocated, reconfigured, or rede-  
20 veloped—

21 (I) to reduce the civilian real  
22 property inventory;

23 (II) to reduce the operating costs  
24 of the Federal Government; and



1 (III) to create the highest value  
2 and return for the taxpayer; and  
3 (iii) operational efficiencies that may  
4 be realized by the Federal Government in  
5 the operation and maintenance of Federal  
6 civilian real properties.

7 (2) STANDARDS AND CRITERIA.—Not later than  
8 60 days after each date specified in paragraph (1),  
9 the Director, in consultation with the Administrator,  
10 shall—

11 (A) review agency recommendations sub-  
12 mitted pursuant to paragraph (1);

13 (B) develop consistent standards and cri-  
14 teria against which agency recommendations  
15 will be reviewed, which shall be developed tak-  
16 ing into consideration—

17 (i) the extent to which a Federal  
18 building or facility could be sold (including  
19 property that is no longer meeting the  
20 needs of the Federal Government), redev-  
21 oped, outleased, or otherwise used to  
22 produce the highest and best value and re-  
23 turn for the taxpayer;

24 (ii) the extent to which the operating  
25 and maintenance costs are reduced

1 through consolidating, co-locating, and re-  
2 configuring space, and through realizing  
3 other operational efficiencies;

4 (iii) the extent to which the utilization  
5 rate is being maximized and is consistent  
6 with nongovernmental industry standards  
7 for the given function or operation;

8 (iv) the extent and timing of potential  
9 costs and savings, including the number of  
10 years, beginning with the date of comple-  
11 tion of the proposed recommendation;

12 (v) the extent to which reliance on  
13 leasing for long-term space needs is re-  
14 duced;

15 (vi) the extent to which a Federal  
16 building or facility aligns with the current  
17 mission of the applicable Federal agency;

18 (vii) the extent to which there are op-  
19 portunities to consolidate similar oper-  
20 ations across multiple agencies or within  
21 agencies;

22 (viii) the economic impact on commu-  
23 nities in the vicinity of the Federal build-  
24 ing or facility; and

1 (ix) the extent to which energy con-  
2 sumption is reduced; and

3 (C) develop recommendations for the  
4 Board based on the standards and criteria de-  
5 veloped under subparagraph (B).

6 (3) SPECIAL RULE FOR UTILIZATION RATES.—

7 (A) IN GENERAL.—Standards developed by  
8 the Director under paragraph (2)(B) shall in-  
9 corporate and apply clear standard utilization  
10 rates consistent throughout each category of  
11 space and with nongovernment space utilization  
12 rates.

13 (B) UTILIZATION RATE.—To the extent  
14 the space utilization rate of a given agency ex-  
15 ceeds the utilization rates to be applied under  
16 this subsection, the Director may recommend  
17 realignment, colocation, consolidation, or other  
18 type of action to improve space utilization.

19 (4) SUBMISSION TO THE BOARD.—

20 (A) IN GENERAL.—The standards, criteria,  
21 and recommendations developed pursuant to  
22 paragraph (2)(B) shall be submitted to the  
23 Board with all supporting information, data,  
24 analyses, and documentation.

1 (B) PUBLICATION.—The standards, cri-  
2 teria, and recommendations developed pursuant  
3 to paragraph (2)(B) shall be—

4 (i) published in the Federal Register;

5 and

6 (ii) submitted to—

7 (I) the committees described in  
8 subsection (a)(4)(C)(i); and

9 (II) the Comptroller General of  
10 the United States.

11 (C) ACCESS TO INFORMATION.—

12 (i) IN GENERAL.—The Board shall  
13 have access to all information pertaining to  
14 the recommendations, including supporting  
15 information, data, analyses, and docu-  
16 mentation submitted pursuant to para-  
17 graph (1).

18 (ii) INFORMATION FROM FEDERAL  
19 AGENCIES.—On request, a Federal agency  
20 shall provide to the Board any additional  
21 information pertaining to the civilian real  
22 property of the agency.

23 (c) DUTIES OF BOARD.—

1           (1) IDENTIFICATION OF PROPERTY REDUCTION  
2 OPPORTUNITIES.—The Board shall identify opportu-  
3 nities for the Federal Government—

4           (A) to significantly reduce the inventory of  
5 civilian real property held by the Federal Gov-  
6 ernment; and

7           (B) to reduce costs to the Federal Govern-  
8 ment.

9           (2) IDENTIFICATION OF HIGH VALUE ASSETS.—

10           (A) IDENTIFICATION OF CERTAIN PROP-  
11 erties.—Not later than 180 days after the  
12 date on which the last Board member has been  
13 appointed pursuant to subsection (a)(3), the  
14 Board shall—

15           (i) identify not less than 5 Federal  
16 properties that are not on the list of sur-  
17 plus or excess as of that date with a total  
18 fair market value of not less than  
19 \$500,000,000; and

20           (ii) submit to the Director and to  
21 Congress a list of the properties identified  
22 pursuant to clause (i), which shall be—

23           (I) treated as a recommendation  
24 under subsection (b); and

1 (II) subject to the approval proc-  
2 ess described in subsection (d).

3 (B) INFORMATION AND DATA.—

4 (i) IN GENERAL.—To assist the Board  
5 in carrying out subparagraph (A), a Fed-  
6 eral agency shall provide to the Board, on  
7 request, any information and data regard-  
8 ing the properties of the Federal agency.

9 (ii) FAILURE TO COMPLY.—The  
10 Board shall notify the committees de-  
11 scribed in subsection (a)(4)(C)(i) of any  
12 failure by any agency to comply with a re-  
13 quest of the Board.

14 (C) LEASEBACK RESTRICTIONS.—The Fed-  
15 eral Government may not lease back any of the  
16 existing improvements on properties sold under  
17 this paragraph.

18 (D) REPORT OF EXCESS.—Not later than  
19 60 days after the date on which the rec-  
20 ommendations of the Board pursuant to sub-  
21 paragraph (A) have been approved, each Fed-  
22 eral agency with custody, control, or adminis-  
23 trative jurisdiction over the identified properties  
24 shall submit to the Administrator a report of  
25 excess.

1 (E) SALE.—Notwithstanding any other  
2 provision of law (except as provided in sub-  
3 section (e)(7)), the Administrator shall—

4 (i) not later than 120 days after the  
5 date on which the Administrator receives  
6 the report of excess under subparagraph  
7 (D), initiate the sale of the properties iden-  
8 tified pursuant to subparagraph (A)(i);  
9 and

10 (ii) not later than 1 year after the  
11 date on which the Administrator receives  
12 the report of excess under subparagraph  
13 (D), sell the properties referred to in  
14 clause (i) at fair market value at highest  
15 and best use.

16 (3) ANALYSIS OF INVENTORY.—The Board—

17 (A) shall perform an independent analysis  
18 of the inventory of Federal civilian real prop-  
19 erty and the recommendations submitted pursu-  
20 ant to subsection (b);

21 (B) shall not be bound or limited by the  
22 recommendations submitted pursuant to sub-  
23 section (b); and

24 (C) in any case in which the Board deter-  
25 mines that a Federal agency has failed to pro-

1           vide necessary information, data, or adequate  
2           recommendations that meet the standards and  
3           criteria developed under subsection (b)(2), shall  
4           develop such recommendations as the Board  
5           considers to be appropriate based on existing  
6           data contained in the Federal Real Property  
7           Profile or other relevant information.

8           (4) RECEIPT OF INFORMATION AND PRO-  
9           POSALS.—Notwithstanding any other provision of  
10          law, the Board—

11                 (A) may receive and consider proposals, in-  
12                 formation, and other data submitted by State  
13                 and local officials and the private sector; and

14                 (B) shall make any information received  
15                 under subparagraph (A) publicly available.

16          (5) ACCOUNTING SYSTEM.—The Board shall—

17                 (A) not later than 120 days after the date  
18                 of enactment of this Act, identify or develop  
19                 and implement a system of accounting to be  
20                 used to independently evaluate the costs of and  
21                 returns on the recommendations provided to the  
22                 Board under this subtitle;

23                 (B) use the accounting system referred to  
24                 in subparagraph (A) to assist in—



1 (i) developing the recommendations of  
2 the Board; and

3 (ii) determining the highest return to  
4 the taxpayer; and

5 (C) establish a standard performance pe-  
6 riod for use in carrying out subparagraphs (A)  
7 and (B).

8 (6) PUBLIC HEARINGS.—

9 (A) IN GENERAL.—The Board shall con-  
10 duct public hearings.

11 (B) TESTIMONY.—All testimony before the  
12 Board at a public hearing under this paragraph  
13 shall be presented under oath.

14 (7) REPORTING OF INFORMATION AND REC-  
15 OMMENDATIONS.—

16 (A) IN GENERAL.—Not later than 120  
17 days after the date of receipt of recommenda-  
18 tions pursuant to subsection (b), and annually  
19 thereafter, the Board shall submit to the Direc-  
20 tor, and publicly post on a Federal website  
21 maintained by the Board, a report that includes  
22 the findings, conclusions, and recommendations  
23 of the Board for the consolidation, exchange,  
24 colocation, reconfiguration, lease reduction,  
25 sale, outlease, or redevelopment of Federal civil-

1           ian real properties, and for other operational ef-  
2           ficiencies that can be realized in the operation  
3           and maintenance of those properties.

4           (B) CONSENSUS IN MAJORITY.—The  
5           Board—

6                   (i) shall seek to develop consensus rec-  
7                   ommendations; but

8                   (ii) if a consensus cannot be obtained,  
9                   may include in the report under subpara-  
10                  graph (A) recommendations that are sup-  
11                  ported by a majority of the Board.

12          (8) FEDERAL WEBSITE.—The Board shall es-  
13          tablish and maintain a Federal website for the pur-  
14          poses of making relevant information publicly avail-  
15          able.

16          (9) REVIEW BY GAO.—The Comptroller General  
17          of the United States shall submit to Congress and  
18          to the Board a report that includes—

19                  (A) a detailed analysis of the recommenda-  
20                  tions provided by the Board under paragraph  
21                  (7); and

22                  (B) a description of the selection process  
23                  used to develop the recommendations.

24          (d) REVIEW BY THE OFFICE OF MANAGEMENT AND  
25          BUDGET.—

1           (1) REVIEW OF RECOMMENDATIONS.—On re-  
2 receipt of the recommendations of the Board under  
3 subsection (c)(7), the Director shall conduct a review  
4 of the recommendations.

5           (2) REPORT TO BOARD AND CONGRESS.—

6           (A) IN GENERAL.—Not later than 30 days  
7 after the date of receipt of the recommenda-  
8 tions of the Board under subsection (c)(7), the  
9 Director shall submit to the Board and to Con-  
10 gress a report that describes the approval or  
11 disapproval of the recommendations.

12           (B) TESTIMONY BY BOARD.—On request  
13 of any of the Committee on Environment and  
14 Public Works of the Senate, the Committee on  
15 Transportation and Infrastructure of the House  
16 of Representatives, the Committee on Home-  
17 land Security and Governmental Affairs of the  
18 Senate, or the Committee on Oversight and  
19 Government Reform of the House of Represent-  
20 atives and before the Director submits the re-  
21 port under subparagraph (A), the Board shall  
22 appear and testify before the requesting com-  
23 mittee.

24           (3) APPROVAL OR DISAPPROVAL.—If the Direc-  
25 tor—

1 (A) approves the recommendations of the  
2 Board, the Director shall submit to Congress a  
3 copy of the recommendations and a certification  
4 of the approval;

5 (B) disapproves of the recommendations of  
6 the Board, in whole or in part—

7 (i) the Director shall submit to the  
8 Board and to Congress the reasons for the  
9 disapproval; and

10 (ii) not later than 30 days after the  
11 date of disapproval, the Board shall submit  
12 to the Director a revised list of rec-  
13 ommendations;

14 (C) approves the revised recommendations  
15 of the Board submitted under subparagraph  
16 (B)(ii), the Director shall submit to Congress a  
17 copy of the revised recommendations and a cer-  
18 tification of the approval; and

19 (D) does not submit to Congress an ap-  
20 proval and certification in accordance with sub-  
21 paragraph (A) or (C) by the date that is 30  
22 days after the date of receipt of the rec-  
23 ommendations or revised recommendations of  
24 the Board, the review process under this sub-  
25 section shall terminate until the following year.

1 (e) IMPLEMENTATION OF BOARD RECOMMENDA-  
2 TIONS.—

3 (1) CARRYING OUT RECOMMENDATIONS.—

4 (A) IN GENERAL.—A Federal agency  
5 shall—

6 (i) not later than 60 days after the  
7 date on which the Board submits rec-  
8 ommendations to the Director and to Con-  
9 gress under subparagraph (A) or (C) of  
10 subsection (d)(3), begin preparation to  
11 carry out the recommendations of the  
12 Board;

13 (ii) initiate all activities not later than  
14 2 years after the date on which the Direc-  
15 tor submits the recommendations of the  
16 Board to Congress; and

17 (iii) not later than the end of the 6-  
18 year period beginning on the date on which  
19 the Director submits to Congress the rec-  
20 ommendations of the Board, complete the  
21 implementation of all recommended ac-  
22 tions.

23 (B) ACTIONS.—Each recommended action  
24 taken by a Federal agency under subparagraph  
25 (A) shall be economically beneficial and cost-

1 neutral or otherwise favorable to the Federal  
2 Government.

3 (C) EXTENUATING CIRCUMSTANCES.—In  
4 the case of a recommended action that will take  
5 longer than the 6-year period described in sub-  
6 paragraph (A)(iii) due to extenuating cir-  
7 cumstances, a Federal agency shall notify the  
8 Director and Congress as soon as the extenu-  
9 ating circumstance becomes apparent with an  
10 estimated time to complete the relevant action.

11 (2) ACTIONS OF FEDERAL AGENCIES.—Pursu-  
12 ant to paragraph (3), in taking an action related to  
13 any Federal building or facility under this subtitle,  
14 a Federal agency may take all such necessary and  
15 proper actions, including—

16 (A) acquiring land, constructing replace-  
17 ment facilities, performing such other activities,  
18 and conducting such advance planning and de-  
19 sign as may be required to transfer functions  
20 from a Federal asset or property to another  
21 Federal civilian property;

22 (B) reimbursing other Federal agencies for  
23 actions performed at the request of the Board;  
24 and

1 (C) taking such actions as are practicable  
2 to maximize the value of property to be sold by  
3 clarifying zoning and other limitations on use of  
4 the property.

5 (3) NECESSARY AND PROPER ACTIONS.—

6 (A) IN GENERAL.—Except as provided in  
7 subparagraph (B), in acting on a recommenda-  
8 tion of the Board, a Federal agency shall—

9 (i) act within any authority delegated  
10 to the agency; and

11 (ii) if the agency has not been dele-  
12 gated the authority to act on the rec-  
13 ommendation, work in partnership with the  
14 Administrator to carry out the rec-  
15 ommendation.

16 (B) ACTIONS OF ADMINISTRATOR.—The  
17 Administrator may take such necessary and  
18 proper actions, including the sale, conveyance,  
19 or exchange of civilian real property, as are re-  
20 quired to implement the recommendations of  
21 the Board in the time period described in para-  
22 graph (1)(A)(iii).

23 (C) EXPERT COMMERCIAL REAL ESTATE  
24 SERVICES.—A Federal agency may enter into  
25 no-cost nonappropriated contracts for expert

1 commercial real estate services to carry out the  
2 responsibilities of the agency pursuant to the  
3 recommendations.

4 (4) DISCRETION OF ADMINISTRATOR REGARD-  
5 ING TRANSACTIONS.—For any transaction identified,  
6 recommended, or commenced as a result of this sub-  
7 title, any otherwise required legal priority given to,  
8 or requirement to enter into, a transaction to convey  
9 a Federal civilian real property for less than fair  
10 market value, for no consideration at all, or in a  
11 transaction that mandates the exclusion of other  
12 market participants, shall be at the discretion of the  
13 Administrator.

14 (5) DISPOSAL OF REAL PROPERTIES.—Any rec-  
15 ommendation or commencement of a sale, disposal,  
16 consolidation, reconfiguration, colocation, or realign-  
17 ment of civilian real property shall not be subject  
18 to—

19 (A) the first section through section 3 of  
20 the Act of May 19, 1948 (16 U.S.C. 667b et  
21 seq.);

22 (B) sections 107 and 317 of title 23,  
23 United States Code;

24 (C) section 545(b)(8) of title 40, United  
25 States Code;



1 (D) sections 550, 553, and 554 of title 40,  
2 United States Code;

3 (E) section 1304(b) of title 40, United  
4 States Code;

5 (F) section 47151 of title 49, United  
6 States Code;

7 (G) section 13(d) of the Surplus Property  
8 Act of 1944 (50 U.S.C. App. 1622(d));

9 (H) any other provision of law authorizing  
10 the conveyance of real property owned by the  
11 Federal Government for no consideration; and

12 (I) any congressional notification require-  
13 ment (other than that under section 545 of title  
14 40, United States Code).

15 (6) PUBLIC BENEFIT.—

16 (A) IN GENERAL.—On the date on which  
17 the Director submits to Congress the rec-  
18 ommendations of the Board under subpara-  
19 graph (A) or (C) of subsection (d)(3) (except  
20 those buildings recommended under subsection  
21 (c)(2)), the Director shall submit to the Sec-  
22 retary of Housing and Urban Development all  
23 known information on the buildings or prop-  
24 erties included in the recommendations.

1           (B) ACTION BY SECRETARY.—Not later  
2 than 30 days after the Secretary of Housing  
3 and Urban Development receives the informa-  
4 tion described in subparagraph (A), the Sec-  
5 retary shall identify any suitable properties for  
6 use as a property benefitting the mission of as-  
7 sistance to the homeless for the purposes of fur-  
8 ther screening pursuant to section 501 of the  
9 McKinney-Vento Homeless Assistance Act (42  
10 U.S.C. 11411).

11 (7) ENVIRONMENTAL CONSIDERATIONS.—

12           (A) TRANSFER OF REAL PROPERTY.—

13           (i) IN GENERAL.—In implementing  
14 the recommendations of the Board under  
15 subsection (c)(7), and subject to subpara-  
16 graph (B) a Federal agency may enter into  
17 an agreement with any person to transfer  
18 real property by deed pursuant to section  
19 120(h)(3) of the Comprehensive Environ-  
20 mental Response, Compensation, and Li-  
21 ability Act of 1980 (42 U.S.C.  
22 9620(h)(3)).

23           (ii) ADDITIONAL TERMS.—

24           (I) IN GENERAL.—The head of  
25 the Federal agency disposing of prop-

1           erty under this subparagraph may re-  
2           quire any additional terms and condi-  
3           tions in connection with an agreement  
4           authorized by clause (i) as the head of  
5           the agency considers appropriate to  
6           protect the interests of the United  
7           States.

8                   (II) NO EFFECT ON RIGHTS OR  
9                   OBLIGATIONS.—Additional terms and  
10                  conditions described in subclause (I)  
11                  shall not affect or diminish any rights  
12                  or obligations of a Federal agency  
13                  under section 120 of the Comprehen-  
14                  sive Environmental Response, Com-  
15                  pensation, and Liability Act of 1980  
16                  (42 U.S.C. 9620).

17                  (B) COST CERTIFICATION.—The head of a  
18                  Federal agency shall not transfer real property  
19                  or facilities under subparagraph (A) unless the  
20                  head of the agency certifies to the Board and  
21                  Congress that—

22                   (i) the costs of all environmental res-  
23                   toration, waste management, and environ-  
24                   mental compliance activities otherwise to  
25                   be paid by the Federal agency disposing of

1 the property with respect to the property  
2 or facilities are equal to or greater than  
3 the fair market value of the property or fa-  
4 cilities to be transferred, as determined by  
5 the head of the agency; or

6 (ii) if the costs described in clause (i)  
7 are less than the fair market value of the  
8 property or facilities, the recipient of the  
9 property or facilities has agreed to pay the  
10 difference between the fair market value  
11 and those costs.

12 (C) PAYMENT TO RECIPIENT OF REAL  
13 PROPERTY.—In the case of a property covered  
14 by a certification under subparagraph (B)(i),  
15 the Federal agency disposing of the property  
16 may pay the recipient of the property or facili-  
17 ties an amount equal to the lesser of—

18 (i) the amount by which the costs in-  
19 curred by the recipient of the property or  
20 facilities for all environmental restoration,  
21 waste management, and environmental  
22 compliance activities with respect to the  
23 property or facilities exceed the fair market  
24 value of the property or facilities as speci-  
25 fied in the certification; and

1                   (ii) the amount by which the costs (as  
2                   determined by the head of the Federal  
3                   agency disposing of the property) that  
4                   would otherwise have been incurred by the  
5                   Secretary of Housing and Urban Develop-  
6                   ment for the restoration, waste manage-  
7                   ment, and environmental compliance activi-  
8                   ties with respect to the property or facili-  
9                   ties exceed the fair market value of the  
10                  property or facilities as specified in the  
11                  certification.

12                 (D) DISCLOSURE TO RECIPIENT.—As part  
13                 of an agreement under subparagraph (A), the  
14                 head of the Federal agency disposing of the  
15                 property shall, in accordance with applicable  
16                 law and before entering into an agreement, dis-  
17                 close to the person to whom the property or fa-  
18                 cilities will be transferred information possessed  
19                 by the agency regarding the environmental res-  
20                 toration, waste management, and environmental  
21                 compliance activities described in this para-  
22                 graph that relate to the property or facilities.

23                 (E) TIME EXTENSIONS.—For the purposes  
24                 of granting time extensions under paragraph  
25                 (1), the Director shall give the need for signifi-

1           cant environmental remediation to a piece of  
2           property more weight than any other factor in  
3           determining whether to grant a 2-year exten-  
4           sion to implement a Board recommendation.

5           (F) SAVINGS PROVISION.—Nothing in this  
6           subtitle modifies, alters, or amends—

7                   (i) the Comprehensive Environmental  
8                   Response, Compensation, and Liability Act  
9                   of 1980 (42 U.S.C. 9601 et seq.);

10                   (ii) the National Environmental Policy  
11                   Act of 1969 (42 U.S.C. 4321 et seq.); or

12                   (iii) the Solid Waste Disposal Act (42  
13                   U.S.C. 6901 et seq.).

14       (f) FUNDING.—

15           (1) ESTABLISHMENT OF SALARIES AND EX-  
16           PENSES ACCOUNT.—

17                   (A) ESTABLISHMENT OF ACCOUNT.—

18           There is established in the Treasury of the  
19           United States an account to be known as the  
20           “Federal Real Property Reform Board —Sala-  
21           ries and Expenses” account.

22                   (B) NECESSARY PAYMENTS.—There shall  
23           be deposited into the account established by  
24           subparagraph (B) such amounts as are pro-  
25           vided in appropriations Acts for those necessary

1 payments for salaries and expenses to accom-  
2 plish the administrative needs of the Board.

3 (2) ESTABLISHMENT OF ASSET PROCEEDS AND  
4 SPACE MANAGEMENT FUND.—

5 (A) IN GENERAL.—There is established  
6 within the Federal Buildings Fund established  
7 by section 592 of title 40, United States Code,  
8 an account to be known as the “Federal Real  
9 Property Reform Board —Asset Proceeds and  
10 Space Management Fund”, which shall be used  
11 solely for the purposes of carrying out actions  
12 under subsection (e), pursuant to the rec-  
13 ommendations of the Board approved under  
14 subsection (d).

15 (B) AMOUNTS DEPOSITED INTO FUND.—  
16 Notwithstanding section 3307 of title 40,  
17 United States Code, the fund established by  
18 paragraph (1) shall consist of—

19 (i) such amounts as are provided in  
20 appropriations Acts, to remain available  
21 until expended, for the consolidation, co-  
22 location, exchange, redevelopment, recon-  
23 figuration of space, disposal, and other ac-  
24 tions recommended by the Board for Fed-  
25 eral agencies; and

1 (ii) amounts received from the sale of  
2 any civilian real property action taken pur-  
3 suant to a recommendation of the Board.

4 (C) USE OF FUNDS.—

5 (i) IN GENERAL.—The amounts de-  
6 posited in the fund under subparagraph  
7 (B) shall be made available for obligation  
8 or expenditure only as provided in advance  
9 in appropriation Acts for the purposes de-  
10 scribed in clauses (i) and (ii) of subpara-  
11 graph (B).

12 (ii) USE OF PROCEEDS.—As provided  
13 in appropriations Acts, proceeds under  
14 subparagraph (B)(ii) may be made avail-  
15 able to cover necessary costs associated  
16 with implementing the recommendations  
17 pursuant to subsection (e), including costs  
18 associated with—

19 (I) sales transactions;

20 (II) acquiring land, construction,  
21 constructing replacement facilities,  
22 conducting advance planning and de-  
23 sign as may be required to transfer  
24 functions from a Federal asset or



1 property to another Federal civilian  
2 property;

3 (III) colocation, redevelopment,  
4 disposal, and reconfiguration of space;  
5 and

6 (IV) other actions recommended  
7 by the Board for Federal agencies.

8 (3) ADDITIONAL REQUIREMENT.—

9 (A) IN GENERAL.—Not less frequently  
10 than annually, the President shall submit to  
11 Congress a report that includes—

12 (i) an estimate of proceeds from im-  
13 plementing the recommendations of the  
14 Board; and

15 (ii) the obligations and expenditures  
16 needed to support those recommendations.

17 (B) SUBMISSION.—The report under sub-  
18 paragraph (A) may be submitted along with an-  
19 other annual submission to Congress, including  
20 the budget submitted by the President under  
21 section 1105 of title 31, United States Code.

22 (g) CONGRESSIONAL APPROVAL OF PROPOSED  
23 PROJECTS.—Section 3307(b) of title 40, United States  
24 Code, is amended—

1 (1) in paragraph (6), by striking “and” at the  
2 end;

3 (2) in paragraph (7), by striking the period at  
4 the end and inserting “; and”; and

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

6 “(8) a description of how the proposed project  
7 is consistent with criteria established in section  
8 1102(b)(2) of the Bolster Accountability to Drive  
9 Government Efficiency and Reform Washington Act  
10 of 2016.”.

11 (h) PRECLUSION OF JUDICIAL REVIEW.—The fol-  
12 lowing actions shall not be subject to judicial review:

13 (1) An action taken pursuant to subsection (c)  
14 or subsection (d).

15 (2) An action taken by the Board.

16 (i) IMPLEMENTATION REVIEW BY GAO.—On trans-  
17 mittal of the recommendations of the Board from the Di-  
18 rector to Congress under subsection (d), and not less fre-  
19 quently than annually thereafter, the Comptroller General  
20 of the United States shall—

21 (1) monitor and review the implementation ac-  
22 tivities of Federal agencies pursuant to subsection  
23 (e); and

24 (2) report to Congress any findings and rec-  
25 ommendations for improvement of those activities.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section—

3 (1) \$2,000,000 for salaries and expenses of the  
4 Board; and

5 (2) \$40,000,000 to be deposited into the Fed-  
6 eral Real Property Reform Board—Asset Proceeds  
7 and Space Management Fund established by sub-  
8 section (f)(2) for activities related to the implemen-  
9 tation of recommendations of the Board.

10 **SEC. 1103. PROPERTY MANAGEMENT.**

11 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,  
12 United States Code, is amended by adding at the end the  
13 following:

14 **“Subchapter VII—Property Management**

15 **“§ 621. Definitions**

16 “In this subchapter:

17 “(1) ADMINISTRATOR.—The term ‘Adminis-  
18 trator’ means the Administrator of General Services.

19 “(2) COUNCIL.—The term ‘Council’ means the  
20 Federal Property Council established by section  
21 622(a).

22 “(3) DIRECTOR.—The term ‘Director’ means  
23 the Director of the Office of Management and Budg-  
24 et.

1           “(4) FEDERAL AGENCY.—The term ‘Federal  
2 agency’ means—

3           “(A) an executive department or inde-  
4 pendent establishment in the executive branch  
5 of the Government; or

6           “(B) a wholly owned Government corpora-  
7 tion (other than the United States Postal Serv-  
8 ice).

9           “(5) FIELD OFFICE.—The term ‘field office’  
10 means any office of a Federal agency that is not the  
11 headquarters office location for the Federal agency.

12           “(6) POSTAL PROPERTY.—The term ‘postal  
13 property’ means any property owned or leased by the  
14 United States Postal Service.

15           “(7) PUBLIC-PRIVATE PARTNERSHIP.—The  
16 term ‘public-private partnership’ means any partner-  
17 ship or working relationship between a Federal  
18 agency and a corporation, individual, or nonprofit  
19 organization for the purpose of financing, con-  
20 structing, operating, managing, or maintaining 1 or  
21 more Federal real property assets.

22           “(8) UNDERUTILIZED PROPERTY.—The term  
23 ‘underutilized property’ means a portion or the en-  
24 tirety of any real property, including any improve-  
25 ments, that is used—

1           “(A) irregularly or intermittently by the  
2           accountable Federal agency for program pur-  
3           poses of the Federal agency; or

4           “(B) for program purposes that can be  
5           satisfied only with a portion of the property.

6   **“§ 622. Establishment of Federal Property Council**

7           “(a) ESTABLISHMENT.—There is established a Fed-  
8           eral Property Council.

9           “(b) PURPOSE.—The purpose of the Council shall  
10          be—

11           “(1) to develop guidance and ensure implemen-  
12          tation of an efficient and effective property manage-  
13          ment strategy;

14           “(2) to identify opportunities for the Federal  
15          Government to better manage property and assets of  
16          the Federal Government; and

17           “(3) to reduce the costs of managing property  
18          of the Federal Government, including operations,  
19          maintenance, and security associated with Federal  
20          property.

21          “(c) COMPOSITION.—

22           “(1) IN GENERAL.—The Council shall be com-  
23          posed exclusively of—

24           “(A) the senior real property officers of  
25          each Federal agency and the Postal Service;

1           “(B) the Deputy Director for Management  
2 of the Office of Management and Budget;

3           “(C) the Controller of the Office of Man-  
4 agement and Budget;

5           “(D) the Administrator; and

6           “(E) any other full-time or permanent  
7 part-time Federal officials or employees, as the  
8 Chairperson determines to be necessary.

9           “(2) CHAIRPERSON.—The Deputy Director for  
10 Management of the Office of Management and  
11 Budget shall serve as Chairperson of the Council.

12           “(3) EXECUTIVE DIRECTOR.—

13           “(A) IN GENERAL.—The Chairperson shall  
14 designate an Executive Director to assist in  
15 carrying out the duties of the Council.

16           “(B) QUALIFICATIONS; FULL-TIME.—The  
17 Executive Director shall—

18           “(i) be appointed from among individ-  
19 uals who have substantial experience in the  
20 areas of commercial real estate and devel-  
21 opment, real property management, and  
22 Federal operations and management;

23           “(ii) serve full time; and

1                   “(iii) hold no outside employment that  
2                   may conflict with duties inherent to the po-  
3                   sition.

4           “(d) MEETINGS.—

5                   “(1) IN GENERAL.—The Council shall meet  
6                   subject to the call of the Chairperson.

7                   “(2) MINIMUM.—The Council shall meet not  
8                   fewer than 4 times each year.

9           “(e) DUTIES.—The Council, in consultation with the  
10 Director and the Administrator, shall—

11                   “(1) not later than 1 year after the date of en-  
12                   actment of this subchapter, establish a property  
13                   management plan template, to be updated annually,  
14                   which shall include performance measures, specific  
15                   milestones, measurable savings, strategies, and Gov-  
16                   ernment-wide goals based on the goals established  
17                   under section 524(a)(7) to reduce surplus property,  
18                   to achieve better utilization of underutilized prop-  
19                   erty, or to enhance management of high value per-  
20                   sonal property, and evaluation criteria to determine  
21                   the effectiveness of property management that are  
22                   designed—

23                   “(A) to enable Congress and heads of Fed-  
24                   eral agencies to track progress in the achieve-

1           ment of property management objectives on a  
2           Government-wide basis;

3           “(B) to improve the management of real  
4           property; and

5           “(C) to allow for comparison of the per-  
6           formance of Federal agencies against industry  
7           and other public sector agencies in terms of  
8           performance;

9           “(2) develop utilization rates consistent  
10          throughout each category of space, considering the  
11          diverse nature of the Federal portfolio and con-  
12          sistent with nongovernmental space use rates;

13          “(3) develop a strategy to reduce the reliance of  
14          Federal agencies on leased space for long-term needs  
15          if ownership would be less costly;

16          “(4) provide guidance on eliminating inefficien-  
17          cies in the Federal leasing process;

18          “(5) compile a list of field offices that are suit-  
19          able for collocation with other property assets;

20          “(6) research best practices regarding the use  
21          of public-private partnerships to manage properties  
22          and develop guidelines for the use of those partner-  
23          ships in the management of Federal property;

24          “(7) not later than 1 year after the date of en-  
25          actment of this subchapter—



1           “(A) examine the disposal of surplus prop-  
2           erty through the State Agencies for Surplus  
3           Property program; and

4           “(B) issue a report that includes rec-  
5           ommendations on how the program could be im-  
6           proved to ensure accountability and increase ef-  
7           ficiencies in the property disposal process; and

8           “(8) not later than 1 year after the date of en-  
9           actment of this subchapter and annually during the  
10          4-year period beginning on the date that is 1 year  
11          after the date of enactment of this subchapter and  
12          ending on the date that is 5 years after the date of  
13          enactment of this subchapter, the Council shall sub-  
14          mit to the Director a report that contains—

15               “(A) a list of the remaining excess prop-  
16               erty or surplus property that is real property,  
17               and underutilized properties of each Federal  
18               agency;

19               “(B) the progress of the Council toward  
20               developing guidance for Federal agencies to en-  
21               sure that the assessment required under section  
22               524(a)(11)(B) is carried out in a uniform man-  
23               ner;

1           “(C) the progress of Federal agencies to-  
2           ward achieving the goals established under sec-  
3           tion 524(a)(7); and

4           “(D) if necessary, recommendations for  
5           legislation or statutory reforms that would fur-  
6           ther the goals of the Council, including stream-  
7           lining the disposal of excess real or personal  
8           property or underutilized property.

9           “(f) CONSULTATION.—In carrying out the duties de-  
10          scribed in subsection (e), the Council shall also consult  
11          with representatives of—

12           “(1) State, local, tribal authorities, and affected  
13          communities; and

14           “(2) appropriate private sector entities and  
15          nongovernmental organizations that have expertise  
16          in areas of—

17           “(A) commercial real estate and develop-  
18          ment;

19           “(B) government management and oper-  
20          ations;

21           “(C) space planning;

22           “(D) community development, including  
23          transportation and planning;

24           “(E) historic preservation;

1           “(F) providing housing to the homeless  
2           population; and

3           “(G) personal property management.

4           “(g) COUNCIL RESOURCES.—The Director and the  
5 Administrator shall provide staffing, and administrative  
6 support for the Council, as appropriate.

7           “(h) ACCESS TO INFORMATION.—The Council shall  
8 make available, on request, all information generated by  
9 the Council in performing the duties of the Council to—

10           “(1) the Committee on Homeland Security and  
11           Governmental Affairs of the Senate;

12           “(2) the Committee on Environment and Public  
13           Works of the Senate;

14           “(3) the Committee on Oversight and Govern-  
15           ment Reform of the House of Representatives;

16           “(4) the Committee on Transportation and In-  
17           frastructure of the House of Representatives; and

18           “(5) the Comptroller General of the United  
19           States.

20           “(i) EXCLUSIONS.—In this section, surplus property  
21 shall not include—

22           “(1) any military installation (as defined in sec-  
23           tion 2910 of the Defense Base Closure and Realign-  
24           ment Act of 1990 (10 U.S.C. 2687 note; Public Law  
25           101–510));

1           “(2) any property that is excepted from the def-  
2           inition of the term ‘property’ under section 102;

3           “(3) Indian and native Eskimo property held in  
4           trust by the Federal Government as described in  
5           section 3301(a)(5)(C)(iii);

6           “(4) real property operated and maintained by  
7           the Tennessee Valley Authority pursuant to the Ten-  
8           nessee Valley Authority Act of 1933 (16 U.S.C. 831  
9           et seq.);

10          “(5) any real property the Director excludes for  
11          reasons of national security;

12          “(6) any public lands (as defined in section 203  
13          of the Public Lands Corps Act of 1993 (16 U.S.C.  
14          1722)) administered by—

15                 “(A) the Secretary of the Interior, acting  
16                 through—

17                         “(i) the Director of the Bureau of  
18                         Land Management;

19                         “(ii) the Director of the National  
20                         Park Service;

21                         “(iii) the Commissioner of Reclama-  
22                         tion; or

23                         “(iv) the Director of the United  
24                         States Fish and Wildlife Service; or

1           “(B) the Secretary of Agriculture, acting  
2           through the Chief of the Forest Service; or

3           “(7) any property operated and maintained by  
4           the United States Postal Service.

5   **“§ 623. Inventory and database**

6           “(a) IN GENERAL.—Not later than 1 year after the  
7           date of enactment of this subchapter, the Administrator  
8           shall establish and maintain a single, comprehensive, and  
9           descriptive database of all real property under the custody  
10          and control of all Federal agencies.

11          “(b) CONTENTS.—The database shall include—

12           “(1) information provided to the Administrator  
13           under section 524(a)(11)(B); and

14           “(2) a list of property disposals completed, in-  
15           cluding—

16           “(A) the date and disposal method used  
17           for each property;

18           “(B) the proceeds obtained from the dis-  
19           posal of each property;

20           “(C) the amount of time required to dis-  
21           pose of the property, including the date on  
22           which the property is designated as excess prop-  
23           erty;

1           “(D) the date on which the property is  
2           designated as surplus property and the date on  
3           which the property is disposed; and

4           “(E) all costs associated with the disposal.

5           “(c) ACCESSIBILITY.—

6           “(1) COMMITTEES.—The database established  
7           under subsection (a) shall be made available on re-  
8           quest to the Committee on Homeland Security and  
9           Governmental Affairs and the Committee on Envi-  
10          ronment and Public Works of the Senate and the  
11          Committee on Oversight and Government Reform  
12          and the Committee on Transportation and Infra-  
13          structure of the House of Representatives.

14          “(2) GENERAL PUBLIC.—Not later than 3 years  
15          after the date of enactment of this subchapter and  
16          to the extent consistent with national security, the  
17          Administrator shall make the database established  
18          under subsection (a) accessible to the public at no  
19          cost through the website of the General Services Ad-  
20          ministration.

21          “(d) EXCLUSIONS.—In this section, surplus property  
22          shall not include—

23                 “(1) any military installation (as defined in sec-  
24                 tion 2910 of the Defense Base Closure and Realign-

1       ment Act of 1990 (10 U.S.C. 2687 note; Public Law  
2       101–510));

3               “(2) any property that is excepted from the def-  
4       inition of the term ‘property’ under section 102;

5               “(3) Indian and native Eskimo property held in  
6       trust by the Federal Government as described in  
7       section 3301(a)(5)(C)(iii);

8               “(4) real property operated and maintained by  
9       the Tennessee Valley Authority pursuant to the Ten-  
10       nessee Valley Authority Act of 1933 (16 U.S.C. 831  
11       et seq.);

12               “(5) any real property the Director excludes for  
13       reasons of national security;

14               “(6) any public lands (as defined in section 203  
15       of the Public Lands Corps Act of 1993 (16 U.S.C.  
16       1722)) administered by—

17                       “(A) the Secretary of the Interior, acting  
18       through—

19                               “(i) the Director of the Bureau of  
20                               Land Management;

21                               “(ii) the Director of the National  
22                               Park Service;

23                               “(iii) the Commissioner of Reclama-  
24                               tion; or

1                   “(iv) the Director of the United  
2                   States Fish and Wildlife Service; or

3                   “(B) the Secretary of Agriculture, acting  
4                   through the Chief of the Forest Service; or

5                   “(7) any property operated and maintained by  
6                   the United States Postal Service.”.

7                   (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8                   (1) TABLE OF SECTIONS.—The table of sections  
9                   for chapter 5 of subtitle I of title 40, United States  
10                  Code, is amended by inserting after the item relating  
11                  to section 611 the following:

                                  “SUBCHAPTER VII—PROPERTY MANAGEMENT

                                  “Sec. 621. Definitions.

                                  “Sec. 622. Establishment of a Federal Property Council.

                                  “Sec. 623. Inventory and database.”.

12                  (2) TECHNICAL AMENDMENT.—Section 102 of  
13                  title 40, United States Code, is amended in the mat-  
14                  ter preceding paragraph (1) by striking “The” and  
15                  inserting “Except as provided in subchapter VII of  
16                  chapter 5 of this title, the”.

17                  **SEC. 1104. AGENCY RETENTION OF PROCEEDS.**

18                  Section 571 of title 40, United States Code, is  
19                  amended to read as follows:

20                  **“§ 571. General rules for deposit and use of proceeds**

21                  “(a) PROCEEDS FROM TRANSFER OR SALE OF REAL  
22                  PROPERTY.—



1           “(1) DEPOSIT OF NET PROCEEDS.—Net pro-  
2           ceeds described in subsection (d) shall be deposited  
3           into the appropriate account of the agency that had  
4           custody and accountability for the property at the  
5           time the property is determined to be excess.

6           “(2) EXPENDITURE OF NET PROCEEDS.—The  
7           net proceeds deposited pursuant to paragraph (1)  
8           may only be expended as authorized in annual ap-  
9           propriations Acts, for—

10                   “(A) activities described in sections 543  
11                   and 545, including paying costs incurred by the  
12                   General Services Administration for any dis-  
13                   posal-related activity authorized by this title;  
14                   and

15                   “(B) activities pursuant to implementation  
16                   of the Federal Buildings Personnel Training  
17                   Act of 2010 (40 U.S.C. 581 note; Public Law  
18                   111–308).

19           “(3) DEFICIT REDUCTION.—Any net proceeds  
20           described in subsection (d) from the sale, lease, or  
21           other disposition of surplus real property that are  
22           not expended under paragraph (2) shall be used for  
23           deficit reduction.

24           “(b) EFFECT ON OTHER SECTIONS.—Nothing in this  
25           section is intended to affect section 572(b), 573, or 574.

1       “(c) DISPOSAL AGENCY FOR REVERTED PROP-  
2   ERTY.—For the purposes of this section, for any property  
3   that reverts to the United States under sections 550 and  
4   553, the General Services Administration, as the disposal  
5   agency, shall be treated as the agency with custody and  
6   accountability for the property at the time the property  
7   is determined to be excess.

8       “(d) NET PROCEEDS.—The net proceeds described in  
9   this subsection are proceeds under this chapter, less ex-  
10   penses of the transfer or disposition as provided in section  
11   572(a), from—

12           “(1) a transfer of excess real property to a Fed-  
13   eral agency for agency use; or

14           “(2) a sale, lease, or other disposition of sur-  
15   plus real property.

16       “(e) PROCEEDS FROM TRANSFER OR SALE OF PER-  
17   SONAL PROPERTY.—

18           “(1) IN GENERAL.—Except as otherwise pro-  
19   vided in this subchapter, proceeds described in para-  
20   graph (2) shall be deposited in the Treasury as mis-  
21   cellaneous receipts.

22           “(2) PROCEEDS.—The proceeds described in  
23   this paragraph are proceeds under this chapter  
24   from—

1           “(A) a transfer of excess personal property  
2 to a Federal agency for agency use; or

3           “(B) a sale, lease, or other disposition of  
4 surplus personal property.

5           “(3) PAYMENT OF EXPENSES OF SALE BEFORE  
6 DEPOSIT.—

7           “(A) IN GENERAL.—Subject to regulations  
8 under this subtitle, the expenses of the sale of  
9 personal property may be paid from the pro-  
10 ceeds of the sale so that only the net proceeds  
11 are deposited in the Treasury.

12           “(B) APPLICATION.—This paragraph ap-  
13 plies whether proceeds are deposited as mis-  
14 cellaneous receipts or to the credit of an appro-  
15 priation as authorized by law.”.

16 **SEC. 1105. SURPLUS PROPERTY DONATIONS TO MUSEUMS.**

17           Section 549(c)(3)(B) of title 40, United States Code,  
18 is amended by striking clause (vii) and inserting the fol-  
19 lowing:

20           “(vii) a museum open to the public on  
21 a regularly scheduled weekly basis, and the  
22 hours of operation are, at a minimum, dur-  
23 ing normal business hours (as determined  
24 by the Administrator);”.

1 **SEC. 1106. DUTIES OF FEDERAL AGENCIES.**

2 (a) IN GENERAL.—Section 524(a) of title 40, United  
3 States Code, is amended—

4 (1) in paragraph (4), by striking “and” at the  
5 end;

6 (2) in paragraph (5), by striking the period at  
7 the end and inserting a semicolon; and

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

9 “(6) develop current and future workforce pro-  
10 jections so as to have the capacity to assess the  
11 needs of the Federal workforce regarding the use of  
12 real property;

13 “(7) establish goals and policies that will lead  
14 the executive agency to reduce excess property and  
15 underutilized property in the inventory of the execu-  
16 tive agency;

17 “(8) submit to the Federal Property Council an  
18 annual report on all excess property that is real  
19 property and underutilized property in the inventory  
20 of the executive agency, including—

21 “(A) whether underutilized property can be  
22 better utilized, including through collocation  
23 with other executive agencies or consolidation  
24 with other facilities; and

25 “(B) the extent to which the executive  
26 agency believes that retention of the underuti-

1           lized property serves the needs of the executive  
2           agency;

3           “(9) adopt workplace practices, configurations,  
4           and management techniques that can achieve in-  
5           creased levels of productivity and decrease the need  
6           for real property assets;

7           “(10) assess leased space to identify space that  
8           is not fully used or occupied;

9           “(11) on an annual basis and subject to the  
10          guidance of the Federal Property Council—

11                 “(A) conduct an inventory of real property  
12                 under control of the executive agency; and

13                 “(B) make an assessment of each property,  
14                 which shall include—

15                         “(i) the age and condition of the prop-  
16                         erty;

17                         “(ii) the size of the property in square  
18                         footage and acreage;

19                         “(iii) the geographical location of the  
20                         property, including an address and descrip-  
21                         tion;

22                         “(iv) the extent to which the property  
23                         is being utilized;

24                         “(v) the actual annual operating costs  
25                         associated with the property;

1           “(vi) the total cost of capital expendi-  
2           tures incurred by the Federal Government  
3           associated with the property;

4           “(vii) sustainability metrics associated  
5           with the property;

6           “(viii) the number of Federal employ-  
7           ees and contractor employees and functions  
8           housed at the property;

9           “(ix) the extent to which the mission  
10          of the executive agency is dependent on the  
11          property;

12          “(x) the estimated amount of capital  
13          expenditures projected to maintain and op-  
14          erate the property during the 5-year period  
15          beginning on the date of enactment of this  
16          paragraph; and

17          “(xi) any additional information re-  
18          quired by the Administrator of General  
19          Services to carry out section 622; and

20          “(12) provide to the Federal Property Council  
21          and the Administrator of General Services the infor-  
22          mation described in paragraph (11)(B) to be used  
23          for the establishment and maintenance of the data-  
24          base described in section 623.”.

1 (b) DEFINITION OF EXECUTIVE AGENCY.—Section  
2 524 of title 40, United States Code, is amended by adding  
3 at the end the following:

4 “(c) DEFINITION OF EXECUTIVE AGENCY.—For the  
5 purpose of paragraphs (6) through (12) of subsection (a),  
6 the term ‘executive agency’ shall have the meaning given  
7 the term ‘Federal agency’ in section 621.”.

8 **SEC. 1107. STREAMLINING THE MCKINNEY-VENTO HOME-**  
9 **LESS ASSISTANCE ACT.**

10 Section 501 of the McKinney-Vento Homeless Assist-  
11 ance Act (42 U.S.C. 11411) is amended—

12 (1) in subsection (b)(2)(A), by amending clause  
13 (ii) to read as follows:

14 “(ii) in the case of surplus property—

15 “(I) for use to assist the homeless ei-  
16 ther in accordance with this section or as  
17 a public health use in accordance with  
18 paragraphs (1) and (4) of section 203(k)  
19 of the Federal Property and Administra-  
20 tive Services Act of 1949 (40 U.S.C.  
21 484(k) (1) and (4)); and

22 “(II) to provide permanent housing  
23 with or without supportive services to as-  
24 sist the homeless in accordance with this  
25 section.”;

1           (2) in subsection (c)(1)(A), in the matter pre-  
2           ceding clause (i), by striking “in the Federal Reg-  
3           ister” and inserting “on the website of the Depart-  
4           ment of Housing and Urban Development or the  
5           General Services Administration”;

6           (3) in subsection (d)—

7                 (A) in paragraph (1), by striking “60  
8                 days” and inserting “30 days”;

9                 (B) by striking “60-day period” each place  
10                that term appears and inserting “30-day pe-  
11                riod”; and

12                (C) in paragraph (3), by adding at the end  
13                the following: “If the representative of the  
14                homeless does not request a review of the deter-  
15                mination of unsuitability during the 20-day pe-  
16                riod described in this paragraph, the property  
17                shall not be included in any subsequent publica-  
18                tion under subsection (c)(1)(A)(ii) unless the  
19                landholding agency makes changes to the prop-  
20                erty, including improvements, that may change  
21                the unsuitable determination and the Secretary  
22                subsequently determines the property is suit-  
23                able.”;

24           (4) in subsection (e)—

25                 (A) in paragraph (2)—



1 (i) by striking “90 days” and insert-  
2 ing “75 days”;

3 (ii) by striking “a complete applica-  
4 tion” and inserting “an initial applica-  
5 tion”; and

6 (iii) by adding at the end the fol-  
7 lowing: “An initial application shall set  
8 forth (A) the services that will be offered,  
9 (B) the need for the services, and (C) the  
10 experience that the applicant has that  
11 demonstrates the ability to provide the  
12 services.”;

13 (B) in paragraph (3)—

14 (i) by striking “25 days after receipt  
15 of a completed application” and inserting  
16 “10 days after the date on which the Sec-  
17 retary of Health and Human Services re-  
18 ceives an initial application under para-  
19 graph (2)”;

20 (ii) by striking “an application” and  
21 inserting “an initial application”; and

22 (C) by adding at the end the following:

23 “(4) Not later than 45 days after the date on  
24 which the Secretary of Health and Human Services  
25 approves an initial application under paragraph (3),

1 the applicant shall submit to the Secretary of Health  
 2 and Human Services a final application, which shall  
 3 set forth a reasonable plan to finance the approved  
 4 program.

5 “(5) Not later than 15 days after the date on  
 6 which the Secretary of Health and Human Services  
 7 receives a final application under paragraph (4), the  
 8 Secretary of Health and Human Services shall re-  
 9 view, make a final determination, and complete all  
 10 actions on the final application. The Secretary of  
 11 Health and Human Services shall maintain a public  
 12 record of all actions taken in response to a final ap-  
 13 plication.”; and

14 (5) in subsection (f)(1), by striking “available  
 15 by” and inserting “available, at the discretion of the  
 16 applicant, by”.

17 **Subtitle B—Taxpayers Right to**  
 18 **Know**

19 **SEC. 1201. SHORT TITLE.**

20 This subtitle may be cited as the “Taxpayers Right-  
 21 To-Know Act”.

22 **SEC. 1202. INVENTORY OF GOVERNMENT PROGRAMS.**

23 (a) IN GENERAL.—Section 1122(a) of title 31,  
 24 United States Code, is amended—

1 (1) by redesignating paragraphs (1) and (2) as  
2 paragraphs (2) and (3), respectively;

3 (2) by inserting before paragraph (2), as so re-  
4 designated, the following:

5 “(1) DEFINITION OF PROGRAM.—For purposes  
6 of this subsection, the term ‘program’ means an or-  
7 ganized set of activities by 1 or more agencies di-  
8 rected toward a common purpose or goal.”;

9 (3) in paragraph (2), as so redesignated—

10 (A) by striking “IN GENERAL.—Not later  
11 than October 1, 2012, the Office of Manage-  
12 ment and Budget shall” and inserting  
13 “WEBSITE AND PROGRAM INVENTORY.—The  
14 Director of the Office of Management and  
15 Budget shall”;

16 (B) by striking subparagraph (C) and in-  
17 serting the following:

18 “(C) include on the website—

19 “(i) a program inventory that shall  
20 identify each program of the Federal Gov-  
21 ernment for which there is more than  
22 \$1,000,000 in annual budget authority,  
23 which shall include—

24 “(I) any activity that is com-  
25 monly referred to as a program by a

1 Federal agency in communications  
2 with Congress, including any activity  
3 identified as a program in a budget  
4 request;

5 “(II) any activity that is com-  
6 monly referred to as a program by a  
7 Federal agency in communications  
8 with the public, including each pro-  
9 gram for which financial awards are  
10 made on a competitive basis; and

11 “(III) any activity referenced in  
12 law as a program after June 30,  
13 2019; and

14 “(ii) for each program identified in  
15 the program inventory, the information re-  
16 quired under paragraph (3) or paragraph  
17 (4), as applicable.”;

18 (4) in paragraph (3), as so redesignated—

19 (A) in the matter preceding subparagraph  
20 (A), by striking “INFORMATION.—Information  
21 for each program described under paragraph  
22 (1)” and inserting “INFORMATION FOR LARGER  
23 PROGRAMS.—Information for each program  
24 identified in the program inventory required

1 under paragraph (2) for which there is more  
2 than \$10,000,000 in annual budget authority”;

3 (B) by striking subparagraph (C);

4 (C) by redesignating subparagraph (B) as  
5 subparagraph (D);

6 (D) by striking subparagraph (A) and in-  
7 serting the following:

8 “(A) an identification of the program ac-  
9 tivities that are aggregated, disaggregated, or  
10 consolidated as part of identifying programs;

11 “(B) for each program activity described in  
12 subparagraph (A), the amount of funding for  
13 the current fiscal year and previous 2 fiscal  
14 years;

15 “(C) an estimate of the amount of funding  
16 for the program;”;

17 (E) in subparagraph (D), as so redesign-  
18 ated, by striking “and” at the end; and

19 (F) by adding at the end the following:

20 “(E) an identification of the statutes that  
21 authorize the program and any major regula-  
22 tions specific to the program;

23 “(F) for any program that provides grants  
24 or other financial assistance to individuals or  
25 entities, for the most recent fiscal year—

1           “(i) a description of the individuals  
2           served by the program and beneficiaries  
3           who received financial assistance under the  
4           program, including an estimate of the  
5           number of individuals and beneficiaries, to  
6           the extent practicable;

7           “(ii) for each program for which the  
8           head of an agency determines it is not  
9           practicable to provide an estimate of the  
10          number of individuals and beneficiaries  
11          served by the program—

12                 “(I) an explanation of why data  
13                 regarding the number of such individ-  
14                 uals and beneficiaries cannot be pro-  
15                 vided; and

16                 “(II) a discussion of the meas-  
17                 ures that could be taken to gather the  
18                 data required to provide such an esti-  
19                 mate; and

20          “(iii) a description of—

21                 “(I) the Federal employees who  
22                 administer the program, including the  
23                 number of full-time equivalents with a  
24                 pro rata estimate for full-time equiva-

1                   lents associated with multiple pro-  
2                   grams; and

3                   “(II) other individuals whose sal-  
4                   ary is paid in part or full by the Fed-  
5                   eral Government through a grant,  
6                   contract, cooperative agreement, or  
7                   another form of financial award or as-  
8                   sistance who administer or assist in  
9                   any way in administering the pro-  
10                  gram, including the number of full-  
11                  time equivalents, to the extent prac-  
12                  ticable;

13                  “(G) links to any evaluation, assessment,  
14                  or program performance reviews by the agency,  
15                  an Inspector General, or the Government Ac-  
16                  countability Office (including program perform-  
17                  ance reports required under section 1116) re-  
18                  leased during the preceding 5 years; and

19                  “(H) to the extent practicable, financial  
20                  and other information for each program activity  
21                  required to be reported under the Federal  
22                  Funding Accountability and Transparency Act  
23                  of 2006 (31 U.S.C. 6101 note).”;

24                  (5) by adding at the end the following:

1           “(4) INFORMATION FOR SMALLER PROGRAMS.—  
2 Information for each program identified in the pro-  
3 gram inventory required under paragraph (2) for  
4 which there is more than \$1,000,000 and not more  
5 than \$10,000,000 in annual budget authority shall,  
6 at a minimum, include—

7           “(A) an identification of the program ac-  
8 tivities that are aggregated, disaggregated, or  
9 consolidated as part of identifying programs;

10           “(B) for each program activity described in  
11 subparagraph (A), the amount of funding for  
12 the current fiscal year and previous 2 fiscal  
13 years;

14           “(C) an identification of the statutes that  
15 authorize the program and any major regula-  
16 tions specific to the program;

17           “(D) for any program that provides grants  
18 or other financial assistance to individuals or  
19 entities, a description of the individuals served  
20 by the program and beneficiaries who received  
21 financial assistance under the program for the  
22 most recent fiscal year; and

23           “(E) links to any evaluation, assessment,  
24 or program performance reviews by the agency,  
25 an Inspector General, or the Government Ac-



1           countability Office (including program perform-  
2           ance reports required under section 1116) re-  
3           leased during the preceding 5 years.

4           “(5) ARCHIVING.—After the end of each fiscal  
5           year, the Director of the Office of Management and  
6           Budget shall archive and preserve the information  
7           included in the program inventory required under  
8           paragraph (2) relating to that fiscal year.”.

9           (b) EXPIRED GRANT FUNDING.—Not later than Feb-  
10          ruary 1 of each fiscal year, the Director of the Office of  
11          Management and Budget shall publish on a public website  
12          the total amount of undisbursed grant funding remaining  
13          in grant accounts for which the period of availability to  
14          the grantee has expired.

15          **SEC. 1203. GUIDANCE AND IMPLEMENTATION.**

16          (a) GUIDANCE.—Not later than June 30, 2018, the  
17          Director of the Office of Management and Budget—

18                 (1) shall prescribe guidance to implement this  
19                 subtitle, and the amendments made by this subtitle;

20                 (2) shall issue guidance to agencies to identify  
21                 how the program activities used for reporting under  
22                 the Federal Funding Accountability and Trans-  
23                 parency Act of 2006 (31 U.S.C. 6101 note) are as-  
24                 sociated with programs identified in the program in-  
25                 ventory required under section 1122(a)(2)(C)(i) of

1 title 31, United States Code, as amended by section  
2 1202;

3 (3) may issue guidance to agencies to ensure  
4 that the programs identified in the program inven-  
5 tory required under section 1122(a)(2)(C)(i) of title  
6 31, United States Code, as amended by section  
7 1202, are presented at a similar level of detail across  
8 agencies and are not duplicative or overlapping; and

9 (4) may, based on an analysis of the costs of  
10 implementation, and after submitting to Congress a  
11 notification of the action by the Director—

12 (A) exempt from the requirements under  
13 section 1122(a) of title 31, United States Code,  
14 an agency that—

15 (i) is not listed in section 901(b) of  
16 title 31, United States Code; and

17 (ii) for the fiscal year during which  
18 the exemption is made, has budget author-  
19 ity (as defined in section 3 of the Congres-  
20 sional Budget Act of 1974 (2 U.S.C. 622))  
21 of not more than \$10,000,000; and

22 (B) extend the implementation deadline  
23 under subsection (b) by not more than 1 year.

1 (b) IMPLEMENTATION.—This subtitle, and the  
 2 amendments made by this subtitle, shall be implemented  
 3 not later than June 30, 2019.

4 **Subtitle C—Stopping Improper**  
 5 **Payments to Deceased People**

6 **SEC. 1301. SHORT TITLE.**

7 This subtitle may be cited as the “Stopping Improper  
 8 Payments to Deceased People Act”.

9 **SEC. 1302. DISTRIBUTION OF DEATH INFORMATION FUR-**  
 10 **NISHED TO OR MAINTAINED BY THE SOCIAL**  
 11 **SECURITY ADMINISTRATION.**

12 (a) IN GENERAL.—

13 (1) IN GENERAL.—Section 205(r) of the Social  
 14 Security Act (42 U.S.C. 405(r)) is amended—

15 (A) in paragraph (2)—

16 (i) by striking “may” and inserting  
 17 “shall”; and

18 (ii) by inserting “, and to ensure the  
 19 completeness, timeliness, and accuracy of,”  
 20 after “transmitting”;

21 (B) by striking paragraphs (3), (4), and  
 22 (5) and inserting the following:

23 “(3)(A) The Commissioner of Social Security shall,  
 24 to the extent feasible, provide for the use of information  
 25 regarding all deceased individuals furnished to or main-

1 tained by the Commissioner under this subsection in ac-  
2 cordance with subparagraph (B), subject to such safe-  
3 guards as the Commissioner of Social Security determines  
4 are necessary or appropriate to protect the information  
5 from unauthorized use or disclosure, by any Federal or  
6 State agency providing federally funded benefits or admin-  
7 istering a Federal program for such benefits, including the  
8 agency operating the Do Not Pay working system for en-  
9 suring proper payment of those benefits, through a cooper-  
10 ative arrangement with the agency (that includes the  
11 agency's Inspector General) or with an agency's Inspector  
12 General, if—

13           “(i) under such arrangement the agency (in-  
14 cluding, if applicable, the agency's Inspector Gen-  
15 eral) provides reimbursement to the Commissioner of  
16 Social Security for the reasonable cost of carrying  
17 out such arrangement, including the reasonable  
18 costs associated with the collection and maintenance  
19 of information regarding deceased individuals fur-  
20 nished to the Commissioner pursuant to paragraph  
21 (1), and

22           “(ii) such arrangement does not conflict with  
23 the duties of the Commissioner of Social Security  
24 under paragraph (1).

1       “(B) The Commissioner of Social Security shall, to  
2 the extent feasible, provide for the use of information re-  
3 garding all deceased individuals furnished to or main-  
4 tained by the Commissioner under this subsection,  
5 through a cooperative arrangement in order for a Federal  
6 agency to carry out any of the following purposes, if the  
7 requirements of clauses (i) and (ii) of subparagraph (A)  
8 are met:

9           “(i) Operating the Do Not Pay working system  
10 established by section 5 of the Improper Payments  
11 Elimination and Recovery Improvement Act of 2012.  
12 Under such arrangement, the agency operating the  
13 working system may compare death information dis-  
14 closed by the Commissioner with personally identifi-  
15 able information reviewed through the working sys-  
16 tem, and may redisclose such comparison of infor-  
17 mation, as appropriate, to any Federal or State  
18 agency authorized to use the working system.

19           “(ii) To ensure proper payments under a Fed-  
20 eral program or the proper payment of federally  
21 funded benefits, including for purposes of payment  
22 certification, payment disbursement, and the preven-  
23 tion, identification, or recoupment of improper pay-  
24 ments.

1           “(iii) To carry out tax administration or debt  
2           collection duties of the agency.

3           “(iv) For use by any policing agency of the  
4           Federal Government with the principle function of  
5           prevention, detection, or investigation of crime or  
6           the apprehension of alleged offenders.

7           “(4) The Commissioner of Social Security may enter  
8           into similar arrangements with States to provide informa-  
9           tion regarding all deceased individuals furnished to or  
10          maintained by the Commissioner under this subsection,  
11          for any of the purposes specified in paragraph (3)(B), for  
12          use by States in programs wholly funded by the States,  
13          or for use in the administration of a benefit pension plan  
14          or retirement system for employees of a State or a political  
15          subdivision thereof, if the requirements of clauses (i) and  
16          (ii) of paragraph (3)(A) are met. For purposes of this  
17          paragraph, the terms ‘retirement system’ and ‘political  
18          subdivision’ have the meanings given such terms in section  
19          218(b).

20          “(5) The Commissioner of Social Security may use  
21          or provide for the use of information regarding all de-  
22          ceased individuals furnished to or maintained by the Com-  
23          missioner under this subsection, subject to such safe-  
24          guards as the Commissioner of Social Security determines  
25          are necessary or appropriate to protect the information

1 from unauthorized use or disclosure, for statistical pur-  
2 poses and research activities by Federal and State agen-  
3 cies if the requirements of clauses (i) and (ii) of paragraph  
4 (3)(A) are met. For purposes of this paragraph, the term  
5 ‘statistical purposes’ has the meaning given that term in  
6 section 502 of the Confidential Information Protection  
7 and Statistical Efficiency Act of 2002.’; and

8 (C) in paragraph (8)(A)(i), by striking  
9 “subparagraphs (A) and (B) of paragraph (3)”  
10 and inserting “clauses (i) and (ii) of paragraph  
11 (3)(A)”.

12 (2) REPEAL.—Effective on the date that is 5  
13 years after the date of enactment of this Act, the  
14 amendments made by this subsection to paragraphs  
15 (3), (4), (5), and (8) of section 205(r) of the Social  
16 Security Act (42 U.S.C. 405(r)) are repealed, and  
17 the provisions of section 205(r) of the Social Secu-  
18 rity Act (42 U.S.C. 605(r)) so amended are restored  
19 and revived as if such amendments had not been en-  
20 acted.

21 (b) AMENDMENT TO INTERNAL REVENUE CODE.—  
22 Section 6103(d)(4) of the Internal Revenue Code of 1986  
23 is amended—

24 (1) in subparagraphs (A) and (B), by striking  
25 “Secretary of Health and Human Services” each

1 place it appears and inserting “Commissioner of So-  
2 cial Security”; and

3 (2) in subparagraph (B)(ii), by striking “such  
4 Secretary” and all that follows through “deceased  
5 individuals.” and inserting “such Commissioner pur-  
6 suant to such contract, except that such contract  
7 may provide that such information is only to be used  
8 by the Social Security Administration (or any other  
9 Federal agency) for purposes authorized in the So-  
10 cial Security Act or this title.”.

11 (c) REPORT TO CONGRESS ON ALTERNATIVE  
12 SOURCES OF DEATH DATA.—

13 (1) REQUIREMENTS.—The Director of the Of-  
14 fice of Management and Budget shall conduct a re-  
15 view of potential alternative sources of death data  
16 maintained by the non-Federal sources, including  
17 sources maintained by State agencies or associations  
18 of State agencies, for use by Federal agencies and  
19 programs. The review shall include analyses of—

20 (A) the accuracy and completeness of such  
21 data;

22 (B) interoperability of such data;

23 (C) the extent to which there is efficient  
24 accessability of such data by Federal agencies;



1 (D) the cost to Federal agencies of access-  
2 ing and maintaining such data;

3 (E) the security of such data;

4 (F) the reliability of such data; and

5 (G) a comparison of the potential alternate  
6 sources of death data to the death data distrib-  
7 uted by the Commissioner of Social Security.

8 (2) REPORT.—Not later than 4 years after the  
9 date of enactment of this Act, the Director of the  
10 Office of Management and Budget shall submit a re-  
11 port to Congress on the results of the review and  
12 analyses required under paragraph (1). The report  
13 shall include a recommendation by the Director of  
14 the Office of Management and Budget regarding  
15 whether to extend the agency access to death data  
16 distributed by the Commissioner of Social Security  
17 provided under the amendments made by subsection  
18 (a)(1) beyond the date on which such amendments  
19 are to be repealed under subsection (a)(2).

20 **SEC. 1303. IMPROVING THE USE OF DEATH DATA BY GOV-**  
21 **ERNMENT AGENCIES TO CURB IMPROPER**  
22 **PAYMENTS.**

23 Section 7 of the Improper Payments Elimination and  
24 Recovery Improvement Act of 2012 (31 U.S.C. 3321 note)  
25 is amended by adding at the end the following:

1       “(c) GUIDANCE TO AGENCIES REGARDING DATA  
2 MATCHING WITH DEATH DATABASES.—

3           “(1) GUIDANCE TO AGENCIES.—Not later than  
4       6 months after the date of enactment of this sub-  
5       section, and in consultation with the Council of In-  
6       spectors General on Integrity and Efficiency and the  
7       heads of other relevant Federal, State, and local  
8       agencies, and Indian tribes and tribal organizations,  
9       the Director of the Office of Management and Budget  
10      shall issue guidance for each agency or component  
11      of an agency that operates or maintains a database  
12      of information relating to beneficiaries, annuity re-  
13      cipients, or any purpose described in section  
14      205(r)(3)(B) of the Social Security Act (42 U.S.C.  
15      405(r)(3)(B)) for which improved data matching  
16      with databases relating to the death of an individual  
17      (in this subsection referred to as ‘death databases’)  
18      would be relevant and necessary regarding imple-  
19      mentation of this subsection to provide such agencies  
20      or components access to the death databases no  
21      later than 6 months after such date of enactment.

22           “(2) PLAN TO ASSIST STATES AND LOCAL  
23      AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANI-  
24      ZATIONS.—Not later than 1 year after the date of  
25      enactment of this subsection, the Director of the Of-

1        fice of Management and Budget shall develop a plan  
2        to assist States and local agencies, and Indian tribes  
3        and tribal organizations, in providing electronically  
4        to the Federal Government records relating to the  
5        death of individuals, which may include rec-  
6        ommendations to Congress for any statutory  
7        changes or financial assistance to States and local  
8        agencies and Indian tribes and tribal organizations  
9        that are necessary to ensure States and local agen-  
10       cies and Indian tribes and tribal organizations can  
11       provide such records electronically. The plan may in-  
12       clude recommendations for the authorization of ap-  
13       propriations or other funding to carry out the plan.

14       “(d) REPORTS.—

15                “(1) REPORT TO CONGRESS ON IMPROVING  
16       DATA MATCHING REGARDING PAYMENTS TO DE-  
17       CEASED INDIVIDUALS.—Not later than 270 days  
18       after the date of enactment of this subsection, the  
19       Director of the Office of Management and Budget,  
20       in consultation with the heads of other relevant Fed-  
21       eral agencies, and in consultation with States and  
22       local agencies, Indian tribes and tribal organizations,  
23       shall submit to Congress a plan to improve how  
24       States and local agencies and Indian tribes and trib-  
25       al organizations that provide benefits under a feder-

1 ally funded program will improve data matching  
2 with the Federal Government with respect to the  
3 death of individuals who are recipients of such bene-  
4 fits.

5 “(2) ANNUAL REPORT.—Not later than 1 year  
6 after the date of enactment of this section, and for  
7 each of the 4 succeeding years, the Director of the  
8 Office of Management and Budget shall submit to  
9 Congress a report regarding the implementation of  
10 subsection (c) and paragraph (1). The first report  
11 submitted under this paragraph shall include the  
12 recommendations of the Director required under  
13 subsection (c)(2).

14 “(e) DEFINITIONS.—In this section, the terms ‘In-  
15 dian tribe’ and ‘tribal organization’ have the meanings  
16 given those terms in section 4 of the Indian Self-Deter-  
17 mination and Education Assistance Act (25 U.S.C.  
18 450b).”.

19 **SEC. 1304. PLAN FOR ENSURING THE ACCURACY AND COM-**  
20 **PLETENESS OF DEATH DATA MAINTAINED**  
21 **AND DISTRIBUTED BY THE SOCIAL SECURITY**  
22 **ADMINISTRATION.**

23 (a) IN GENERAL.—Not later than 1 year after the  
24 date of enactment of this Act, the Commissioner of Social  
25 Security shall submit to Congress a plan, which shall in-

1 clude the elements described in subsection (b), to improve  
2 the accuracy and completeness of the death data (includ-  
3 ing data regarding individuals who are not eligible for or  
4 receiving benefits under titles II or XVI of the Social Se-  
5 curity Act) maintained and distributed by the Social Secu-  
6 rity Administration.

7 (b) CONTENT OF PLAN.—The plan required under  
8 subsection (a) shall include the following elements:

9 (1) A procedure for identifying individuals who  
10 are still alive and are older than the oldest known  
11 living person according to the records of the Social  
12 Security Administration.

13 (2) Improved policies and procedures for identi-  
14 fying and correcting erroneous records, including  
15 policies and procedures for—

16 (A) identifying individuals listed as dead  
17 who are actually alive;

18 (B) identifying individuals listed as alive  
19 who are actually dead; and

20 (C) allowing individuals or survivors of de-  
21 ceased individuals to notify the Social Security  
22 Administration of potential errors.

23 (3) Improved policies and procedures to identify  
24 and correct errors in the records of the Numerical  
25 Identification System, and death data.

1           (4) A process for employing statistical analysis  
2           of the death data maintained and distributed by the  
3           Social Security Administration to determine an esti-  
4           mate of the number of erroneous records.

5           (5) Recommendations for legislation.

6   **SEC. 1305. REPORT ON INFORMATION SECURITY.**

7           Not later than 90 days after the date of the enact-  
8           ment of this Act, the Commissioner of Social Security  
9           shall submit a report to the Committees on Ways and  
10          Means, Oversight and Government Reform, and Home-  
11          land Security of the House of Representatives, and the  
12          Committees on Finance and Homeland Security and Gov-  
13          ernmental Affairs of the Senate that—

14                (1) identifies all information systems of the So-  
15                cial Security Administration containing sensitive in-  
16                formation; and

17                (2) describes the measures the Commissioner is  
18                taking to secure and protect such information sys-  
19                tems.

20   **Subtitle D—Fraud Reduction and**  
21   **Data Analytics**

22   **SEC. 1401. SHORT TITLE.**

23           This subtitle may be cited as the “Fraud Reduction  
24   and Data Analytics Act of 2016”.

1 **SEC. 1402. DEFINITIONS.**

2 In this subtitle—

3 (1) the term “agency” has the meaning given  
4 the term in section 551 of title 5, United States  
5 Code; and

6 (2) the term “improper payment” has the  
7 meaning given the term in section 2(g) of the Im-  
8 proper Payments Information Act of 2002 (31  
9 U.S.C. 3321 note).

10 **SEC. 1403. ESTABLISHMENT OF FINANCIAL AND ADMINIS-**  
11 **TRATIVE CONTROLS RELATING TO FRAUD**  
12 **AND IMPROPER PAYMENTS.**

13 (a) GUIDELINES.—

14 (1) IN GENERAL.—Not later than 90 days after  
15 the date of enactment of this Act, the Director of  
16 the Office of Management and Budget, in consulta-  
17 tion with the Comptroller General of the United  
18 States, shall establish guidelines for agencies to es-  
19 tablish financial and administrative controls to iden-  
20 tify and assess fraud risks and design and imple-  
21 ment control activities in order to prevent, detect,  
22 and respond to fraud, including improper payments.

23 (2) CONTENTS.—The guidelines described in  
24 paragraph (1) shall incorporate the leading practices  
25 identified in the report published by the Government  
26 Accountability Office on July 28, 2015, entitled

1 “Framework for Managing Fraud Risks in Federal  
2 Programs”.

3 (3) MODIFICATION.—The Director of the Office  
4 of Management and Budget, in consultation with the  
5 Comptroller General of the United States, may peri-  
6 odically modify the guidelines described in paragraph  
7 (1) as the Director and Comptroller General may de-  
8 termine necessary.

9 (b) REQUIREMENTS FOR CONTROLS.—The financial  
10 and administrative controls required to be established by  
11 agencies under subsection (a) shall include—

12 (1) conducting an evaluation of fraud risks and  
13 using a risk-based approach to design and imple-  
14 ment financial and administrative control activities  
15 to mitigate identified fraud risks;

16 (2) collecting and analyzing data from reporting  
17 mechanisms on detected fraud to monitor fraud  
18 trends and using that data and information to con-  
19 tinuously improve fraud prevention controls; and

20 (3) using the results of monitoring, evaluation,  
21 audits, and investigations to improve fraud preven-  
22 tion, detection, and response.

23 (c) REPORTS.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), for each of the first 3 fiscal years begin-



1       ning after the date of enactment of this Act, each  
2       agency shall submit to Congress, as part of the an-  
3       nual financial report of the agency, a report on the  
4       progress of the agency in—

5               (A) implementing—

6                   (i) the financial and administrative  
7                   controls required to be established under  
8                   subsection (a);

9                   (ii) the fraud risk principle in the  
10                  Standards for Internal Control in the Fed-  
11                  eral Government; and

12                  (iii) Office of Management and Budg-  
13                  et Circular A-123 with respect to the lead-  
14                  ing practices for managing fraud risk;

15               (B) identifying risks and vulnerabilities to  
16               fraud, including with respect to payroll, bene-  
17               ficiary payments, grants, large contracts, and  
18               purchase and travel cards; and

19               (C) establishing strategies, procedures, and  
20               other steps to curb fraud.

21               (2) FIRST REPORT.—If the date of enactment  
22               of this Act is less than 180 days before the date on  
23               which an agency is required to submit the annual fi-  
24               nancial report of the agency, the agency may submit

1 the report required under paragraph (1) as part of  
2 the following annual financial report of the agency.

3 **SEC. 1404. WORKING GROUP.**

4 (a) ESTABLISHMENT.—Not later than 180 days after  
5 the date of enactment of this Act, the Office of Manage-  
6 ment and Budget shall establish a working group to im-  
7 prove—

8 (1) the sharing of financial and administrative  
9 controls established under section 1403(a) and other  
10 best practices and techniques for detecting, pre-  
11 venting, and responding to fraud, including improper  
12 payments; and

13 (2) the sharing and development of data ana-  
14 lytics techniques.

15 (b) COMPOSITION.—The working group established  
16 under subsection (a) shall be composed of—

17 (1) the Controller of the Office of Management  
18 and Budget, who shall serve as Chairperson;

19 (2) the Chief Financial Officer of each agency;  
20 and

21 (3) any other party determined to be appro-  
22 priate by the Director of the Office of Management  
23 and Budget, which may include the Chief Informa-  
24 tion Officer, the Chief Procurement Officer, or the  
25 Chief Operating Officer of each agency.

1 (c) CONSULTATION.—The working group established  
2 under subsection (a) shall consult with Offices of Inspec-  
3 tors General and Federal and non-Federal experts on  
4 fraud risk assessments, financial controls, and other rel-  
5 evant matters.

6 (d) MEETINGS.—The working group established  
7 under subsection (a) shall hold not fewer than 4 meetings  
8 per year.

9 (e) PLAN.—Not later than 270 days after the date  
10 of enactment of this Act, the working group established  
11 under subsection (a) shall submit to Congress a plan for  
12 the establishment and use of a Federal interagency library  
13 of data analytics and data sets, which can incorporate or  
14 improve upon existing Federal resources and capacities,  
15 for use by agencies and Offices of Inspectors General to  
16 facilitate the detection, prevention, and recovery of fraud,  
17 including improper payments.

18 **Subtitle E—Duplication Reduction**  
19 **and Agency Coordination**

20 **SEC. 1501. SHORT TITLE.**

21 This subtitle may be cited as the “Getting Results  
22 through Enhanced Accountability and Transparency Act  
23 of 2016”.

1 **SEC. 1502. PURPOSE.**

2       The purpose of this subtitle is to increase the effi-  
 3 ciency and effectiveness of the Federal Government in  
 4 measuring and managing unnecessary duplication, frag-  
 5 mentation, and overlap in Government programs and in  
 6 addressing recommendations from the Government Ac-  
 7 countability Office.

8 **SEC. 1503. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**  
 9 **NATION OF UNNECESSARILY DUPLICATIVE**  
 10 **GOVERNMENT PROGRAMS.**

11       Section 21 of the Joint Resolution entitled “Joint  
 12 Resolution increasing the statutory limit on the public  
 13 debt” (Public Law 111–139; 31 U.S.C. 712 note) is  
 14 amended to read as follows:

15 **“SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**  
 16 **NATION OF UNNECESSARILY DUPLICATIVE**  
 17 **GOVERNMENT PROGRAMS.**

18       “(a) IN GENERAL.—The Comptroller General of the  
 19 United States shall—

20           “(1) conduct routine investigations to identify  
 21 programs, agencies, offices, and initiatives with un-  
 22 necessarily duplicative goals and activities within de-  
 23 partments and agencies and Governmentwide; and

24           “(2) submit to Congress an annual report on  
 25 the findings of the investigations under paragraph  
 26 (1).

1       “(b) CONTENTS OF REPORTS.—Reports submitted  
2 under subsection (a)(2) shall, to the extent possible—

3           “(1) include—

4               “(A) information from available reports es-  
5 timating the cost of unnecessary duplication  
6 identified under subsection (a)(1); and

7               “(B) recommendations for consolidation,  
8 coordination, and elimination to reduce unnee-  
9 cessary duplication, which shall identify specific  
10 rescissions; and

11          “(2) aggregate separately—

12               “(A) estimates of related costs reported by  
13 the Comptroller General for instances of actual  
14 and potential unnecessary duplication; and

15               “(B) estimates of other potential cost sav-  
16 ings and revenue collection reported by the  
17 Comptroller General during the period covered  
18 by the report.”.

19 **SEC. 1504. IMPROVEMENTS TO ELIMINATION OF UNNECES-**  
20 **SARY DUPLICATION.**

21       (a) SYSTEMATIC AGENCY REVIEW OF OPER-  
22 ATIONS.—Section 305(c) of title 5, United States Code,  
23 is amended—

1           (1) in paragraph (1), by inserting “, and ways  
2           in which the agency might improve its performance  
3           toward its mission” before the semicolon;

4           (2) by redesignating paragraphs (2) and (3) as  
5           paragraphs (4) and (5), respectively;

6           (3) by inserting after paragraph (1) the fol-  
7           lowing:

8           “(2) informing the processes of the agency for  
9           learning and decisionmaking;

10           “(3) assessing potential opportunities to im-  
11           prove coordination within the agency and with other  
12           agencies, and to address actual and potential unnec-  
13           essary duplication;” and

14           (4) in paragraph (5), as so redesignated, by in-  
15           serting “and performance toward achieving the mis-  
16           sion of the agency” before the period.

17           (b) CHIEF OPERATING OFFICERS.—Section 1123(b)  
18           of title 31, United States Code, is amended—

19           (1) in paragraph (1)—

20                   (A) by inserting “evaluation,” after “meas-  
21                   urement,”; and

22                   (B) by inserting “risk management,” after  
23                   “progress,”;

24           (2) by redesignating paragraphs (2), (3), and  
25           (4) as paragraphs (3), (4), and (5), respectively;

1           (3) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) address crosscutting program and manage-  
4           ment issues, including opportunities to improve co-  
5           ordination and address unnecessary duplication,  
6           within and external to the agency using an enter-  
7           prise risk management approach;”;

8           (4) in paragraph (4), as so redesignated, by in-  
9           serting “of mission-oriented components and units  
10          and mission support” after “management”; and

11          (5) in paragraph (5), as so redesignated—

12                (A) by striking “such as the Chief” and in-  
13                serting the following: “such as—

14                   “(A) the heads of mission-related compo-  
15                   nents and units at the agency and the major  
16                   components of the agency; and

17                   “(B) the Chief”; and

18                (B) by striking “other line of business”  
19                and all that follows and inserting “heads of  
20                mission support functions at the agency and at  
21                the major components of the agency.”.

22          (c) FEDERAL GOVERNMENT AND AGENCY PERFORM-  
23          ANCE PLANS.—Section 1115 of title 31, United States  
24          Code, is amended—

1           (1) in subsection (a)(6), by inserting “, includ-  
2           ing actual or potential unnecessary duplication,”  
3           after “crosscutting in nature”;

4           (2) in subsection (b)(9), in the matter pre-  
5           ceding subparagraph (A), by inserting “, including  
6           actual or potential unnecessary duplication,” after  
7           “agency faces”; and

8           (3) in subsection (h)—

9                   (A) by redesignating paragraphs (5)  
10                  through (12) as paragraphs (6) through (13),  
11                  respectively;

12                  (B) by inserting after paragraph (4) the  
13                  following:

14                   “(5) ‘enterprise risk management’ means the  
15                   processes that are used to address the full spectrum  
16                   of risks across multiple programs and organizations  
17                   that are located within a larger entity or initiative,  
18                   placing the risks into an integrated and interrelated  
19                   portfolio, and prioritizing their mitigation;”;

20                  (C) in paragraph (12), as so redesignated,  
21                  by striking “and” at the end;

22                  (D) in paragraph (13), as so redesignated,  
23                  by striking the period and inserting a semi-  
24                  colon; and

25                  (E) by adding at the end the following:



1 “(14) ‘risk’ means the possibility of—

2 “(A) an adverse event or phenomenon oc-  
3 ccurring; or

4 “(B) a beneficial opportunity remaining  
5 unexploited; and

6 “(15) ‘risk management’ means the processes  
7 that are used to identify, assess, prioritize, monitor,  
8 mitigate, and report on risks to achieving the mis-  
9 sions, goals, and objectives of a department, agency,  
10 or program, or group thereof, using resources and  
11 processes appropriate to the nature of the risks and  
12 resources available.”.

13 (d) FEDERAL GOVERNMENT AND AGENCY PRIORITY  
14 GOALS.—Section 1120 of title 31, United States Code, is  
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)(B)—

18 (i) in the matter preceding clause (i),  
19 by inserting “and mission support” after  
20 “management”; and

21 (ii) in clause (v), by striking the semi-  
22 colon and inserting a period; and

23 (B) in paragraph (3)—

1 (i) by redesignating subparagraphs  
 2 (A) through (G) as clauses (i) through (vii)  
 3 and adjusting the margin accordingly;

4 (ii) by striking “shall consult” and in-  
 5 serting the following: “shall—

6 “(A) consider recommendations of the Gov-  
 7 ernment Accountability Office in—

8 “(i) the annual report submitted  
 9 under section 21 of the Joint Resolution  
 10 entitled ‘Joint Resolution increasing the  
 11 statutory limit on the public debt’ (Public  
 12 Law 111–139; 31 U.S.C. 712 note); or

13 “(ii) the High Risk list; and

14 “(B) consult”; and

15 (iii) in subparagraph (B)(vii), as so  
 16 redesignated, by striking the semicolon and  
 17 inserting a period; and

18 (2) in subsection (b)(1)(A), by inserting “bien-  
 19 nial” before “consultations”.

20 (e) PERFORMANCE IMPROVEMENT OFFICERS AND  
 21 THE PERFORMANCE IMPROVEMENT COUNCIL.—Section

22 1124 of title 31, United States Code, is amended—

23 (1) in subsection (a)(2)(A)—

1 (A) by inserting “, in collaboration with  
2 heads of agency components and mission sup-  
3 port functions,” after “Officer”;

4 (B) by inserting “evaluation,” after “meas-  
5 urement,”; and

6 (C) by inserting “risk management,” after  
7 “progress,”; and

8 (2) in subsection (b)(2)—

9 (A) in subparagraph (D), by inserting “in-  
10 cluding issues relating to coordination and un-  
11 necessary duplication,” after “issues,”;

12 (B) in subparagraph (E), by inserting  
13 “and with non-Federal stakeholders, including  
14 States and local governments,” after “exchange  
15 among agencies”;

16 (C) in subparagraph (F), by inserting  
17 “and mission support” after “management”;

18 (D) in subparagraph (I), by striking “and”  
19 at the end;

20 (E) in subparagraph (J), by striking the  
21 period at the end and inserting a semicolon;  
22 and

23 (F) by adding at the end the following:

24 “(K) establish a public website; and

1           “(L) place annually and archive on the  
2 website a detailed annual report describing the  
3 Performance Improvement Council’s—

4                   “(i) structure (including any commit-  
5 tees or task forces);

6                   “(ii) budget and relevant sources of  
7 funds;

8                   “(iii) staffing, on a full-time equiva-  
9 lent basis (including an accounting of de-  
10 tails from agencies); and

11                   “(iv) past, current, and planned ac-  
12 tivities.”.

13           (f) ELIMINATION OF UNNECESSARY AGENCY RE-  
14 PORTING.—Section 1125(a)(1) of title 31, United States  
15 Code, is amended by striking “reports;” and inserting the  
16 following: “reports, and place the list on a public website,  
17 which shall include, for each plan or report—

18                   “(A) a citation to the relevant statutory re-  
19 quirement or direction in a congressional re-  
20 port; and

21                   “(B) an indication of whether and how the  
22 agency is complying with the requirement to  
23 produce the plan or report, including a citation  
24 to the means through which the agency submits  
25 the plan or report;”.

1 (g) AGENCY REPORTS.—Section 720(b) of title 31,  
2 United States Code, is amended, in the matter preceding  
3 paragraph (1), by inserting “, including the annual report  
4 on unnecessarily duplicative goals and activities within de-  
5 partments and governmentwide required under section 21  
6 of the Joint Resolution entitled ‘A joint resolution increas-  
7 ing the statutory limit on the public debt’ (Public Law  
8 111–139; 31 U.S.C. 712 note) and the High Risk list of  
9 the Government Accountability Office,” after “makes a re-  
10 port”.

## 11 **Subtitle F—Administrative Leave**

### 12 **SEC. 1601. SHORT TITLE.**

13 This subtitle may be cited as the “Administrative  
14 Leave Act of 2016”.

### 15 **SEC. 1602. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) agency use of administrative leave, and  
18 leave that is referred to incorrectly as administrative  
19 leave in agency recording practices, has exceeded  
20 reasonable amounts—

21 (A) in contravention of—

22 (i) established precedent of the Comp-  
23 troller General of the United States; and

24 (ii) guidance provided by the Office of  
25 Personnel Management; and

1 (B) resulting in significant cost to the  
2 Federal Government;

3 (2) administrative leave should be used spar-  
4 ingly;

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

8 (A) temporary reassignment;

9 (B) transfer; and

10 (C) telework;

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

15 (A) the employee is returned to duty sta-  
16 tus; or

17 (B) an appropriate personnel action is  
18 taken with respect to the employee;

19 (5) data show that there are too many examples  
20 of employees placed in administrative leave for 6  
21 months or longer, leaving the employees without any  
22 available recourse to—

23 (A) return to duty status; or

24 (B) challenge the decision of the agency;

1           (6) an agency should ensure accurate and con-  
 2           sistent recording of the use of administrative leave  
 3           so that administrative leave can be managed and  
 4           overseen effectively; and

5           (7) other forms of excused absence authorized  
 6           by law should be recorded separately from adminis-  
 7           trative leave, as defined by the amendments made by  
 8           this subtitle.

9   **SEC. 1603. ADMINISTRATIVE LEAVE.**

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

13   **“§ 6330. Administrative leave**

14       “(a) DEFINITIONS.—In this section—

15           “(1) the term ‘administrative 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; and

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

24           “(2) 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           “(3) the term ‘employee’—

6           “(A) has the meaning given the term in  
7           section 2105; and

8           “(B) does not include an intermittent em-  
9           ployee who does not have an established regular  
10          tour of duty during the administrative work-  
11          week.

12         “(b) ADMINISTRATIVE LEAVE.—

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

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

19           “(A) specifically authorized under law; and

20           “(B) not administrative leave.

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

24         “(c) REGULATIONS.—



1           “(1) OPM REGULATIONS.—Not later than 1  
2 year after the date of enactment of this section, the  
3 Director of the Office of Personnel Management  
4 shall—

5                   “(A) prescribe regulations to carry out this  
6 section; and

7                   “(B) prescribe regulations that provide  
8 guidance to agencies regarding—

9                           “(i) acceptable agency uses of admin-  
10 istrative leave; and

11                           “(ii) the proper recording of—

12                                   “(I) administrative leave; and

13                                   “(II) other leave authorized by  
14 law.

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

21           “(d) RELATION TO OTHER LAWS.—Notwithstanding  
22 subsection (a) of section 7421 of title 38, this section shall  
23 apply to an employee described in subsection (b) of that  
24 section.”.

1 (b) OPM STUDY.—Not later than 120 days after the  
 2 date of enactment of this Act, the Director of the Office  
 3 of Personnel Management, in consultation with Federal  
 4 agencies, groups representing Federal employees, and  
 5 other relevant stakeholders, shall submit to the Committee  
 6 on Homeland Security and Governmental Affairs of the  
 7 Senate and the Committee on Oversight and Government  
 8 Reform of the House of Representatives a report identi-  
 9 fying agency practices, as of the date of enactment of this  
 10 Act, of placing an employee in administrative leave for  
 11 more than 5 consecutive days when the placement was not  
 12 specifically authorized by law.

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

“6330. Administrative leave.”.

17 **SEC. 1604. INVESTIGATIVE LEAVE AND NOTICE LEAVE.**

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

21 **“§ 6330a. Investigative leave and notice leave**

22 “(a) DEFINITIONS.—In this section—

23 “(1) the term ‘agency’—

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

1           “(B) does not include the Government Ac-  
2           countability Office;

3           “(2) the term ‘Chief Human Capital Officer’  
4           means—

5           “(A) the Chief Human Capital Officer of  
6           an agency designated or appointed under sec-  
7           tion 1401; or

8           “(B) the equivalent;

9           “(3) the term ‘committees of jurisdiction’, with  
10          respect to an agency, means each committee in the  
11          Senate and House of Representatives with jurisdic-  
12          tion over the agency;

13          “(4) the term ‘Director’ means the Director of  
14          the Office of Personnel Management;

15          “(5) the term ‘employee’—

16               “(A) has the meaning given the term in  
17               section 2105; and

18               “(B) does not include—

19                   “(i) an intermittent employee who  
20                   does not have an established regular tour  
21                   of duty during the administrative work-  
22                   week; or

23                   “(ii) the Inspector General of an  
24                   agency;

1           “(6) the term ‘investigative leave’ means  
2           leave—

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

4                           “(i) pay;

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

7                           “(iii) credit for time or service;

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

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

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

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

14                           “(i) pay;

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

17                           “(iii) credit for time or service;

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

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

22           “(8) the term ‘notice period’ means a period be-  
23                   ginning on the date on which an employee is pro-  
24                   vided notice required under law of a proposed ad-  
25                   verse action against the employee and ending on the

1 date on which an agency may take the adverse ac-  
2 tion.

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

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

7 “(A) investigative leave if the employee is  
8 the subject of an investigation;

9 “(B) notice leave if the employee is in a  
10 notice period; or

11 “(C) notice leave following a placement in  
12 investigative leave if, not later than the day  
13 after the last day of the period of investigative  
14 leave—

15 “(i) the agency proposes or initiates  
16 an adverse action against the employee;  
17 and

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

21 “(2) REQUIREMENTS.—An agency may place  
22 an employee in leave under paragraph (1) only if the  
23 agency has—

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

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

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

5           “(c) EMPLOYEES UNDER INVESTIGATION OR IN A  
6 NOTICE PERIOD.—

7           “(1) DETERMINATIONS.—An agency may not  
8           place an employee in investigative leave or notice  
9           leave under subsection (b) unless the continued pres-  
10          ence of the employee in the workplace during an in-  
11          vestigation of the employee or while the employee is  
12          in a notice period, if applicable, may—

13                  “(A) pose a threat to the employee or oth-  
14                  ers;

15                  “(B) result in the destruction of evidence  
16                  relevant to an investigation;

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

19                  “(D) otherwise jeopardize legitimate Gov-  
20                  ernment interests.

21           “(2) AVAILABLE OPTIONS FOR EMPLOYEES  
22           UNDER INVESTIGATION OR IN A NOTICE PERIOD.—  
23           After making a determination under paragraph (1)  
24           with respect to an employee, and before placing an  
25           employee in investigative leave or notice leave under

1 subsection (b), an agency shall consider taking 1 or  
2 more of the following actions:

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

5 “(i) safety;

6 “(ii) the mission of the agency;

7 “(iii) Government property; or

8 “(iv) evidence relevant to an investiga-  
9 tion.

10 “(B) Allowing the employee to take leave  
11 for which the employee is eligible.

12 “(C) Requiring the employee to telework  
13 under section 6502(c).

14 “(D) If the employee is absent from duty  
15 without approved leave, carrying the employee  
16 in absence without leave status.

17 “(E) For an employee subject to a notice  
18 period, curtailing the notice period if there is  
19 reasonable cause to believe the employee has  
20 committed a crime for which a sentence of im-  
21 prisonment may be imposed.

22 “(3) DURATION OF LEAVE.—

23 “(A) INVESTIGATIVE LEAVE.—Subject to  
24 extensions of a period of investigative leave for  
25 which an employee may be eligible under sub-

1 sections (d) and (e), the initial placement of an  
2 employee in investigative leave shall be for a pe-  
3 riod not longer than 10 days.

4 “(B) NOTICE LEAVE.—Placement of an  
5 employee in notice leave shall be for a period  
6 not longer than the duration of the notice pe-  
7 riod.

8 “(4) EXPLANATION OF LEAVE.—

9 “(A) IN GENERAL.—If an agency places an  
10 employee in leave under subsection (b), the  
11 agency shall provide the employee a written ex-  
12 planation of the leave placement and the rea-  
13 sons for the leave placement.

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

17 “(i) the applicable limitations under  
18 paragraph (3); and

19 “(ii) in the case of a placement in in-  
20 vestigative leave, an explanation that, at  
21 the conclusion of the period of leave, the  
22 agency shall take an action under para-  
23 graph (5).

24 “(5) AGENCY ACTION.—Not later than the day  
25 after the last day of a period of investigative leave



1 for an employee under subsection (b)(1), an agency  
2 shall—

3 “(A) return the employee to regular duty  
4 status;

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

7 “(i) assigning the employee to duties  
8 in which the employee is no longer a threat  
9 to—

10 “(I) safety;

11 “(II) the mission of the agency;

12 “(III) Government property; or

13 “(IV) evidence relevant to an in-  
14 vestigation;

15 “(ii) allowing the employee to take  
16 leave for which the employee is eligible;

17 “(iii) requiring the employee to  
18 telework under section 6502(c);

19 “(iv) if the employee is absent from  
20 duty without approved leave, carrying the  
21 employee in absence without leave status;  
22 or

23 “(v) for an employee subject to a no-  
24 tice period, curtailing the notice period if  
25 there is reasonable cause to believe the em-

1            ployee has committed a crime for which a  
2            sentence of imprisonment may be imposed;

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

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

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

13           “(d) INITIAL EXTENSION OF INVESTIGATIVE  
14 LEAVE.—

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

24           “(2) MAXIMUM NUMBER OF EXTENSIONS.—The  
25           total period of additional investigative leave for an

1 employee under paragraph (1) may not exceed 110  
2 days.

3 “(3) DESIGNATION GUIDANCE.—Not later than  
4 1 year after the date of enactment of this section,  
5 the Chief Human Capital Officers Council shall  
6 issue guidance to ensure that if the Chief Human  
7 Capital Officer of an agency delegates the authority  
8 to approve an extension under paragraph (1) to a  
9 designee, the designee is at a sufficiently high level  
10 within the agency to make an impartial and inde-  
11 pendent determination regarding the extension.

12 “(4) EXTENSIONS FOR OIG EMPLOYEES.—

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

15 “(i) the Inspector General or the des-  
16 ignee of the Inspector General, rather than  
17 the Chief Human Capital Officer or the  
18 designee of the Chief Human Capital Offi-  
19 cer, shall approve an extension of a period  
20 of investigative leave for the employee  
21 under paragraph (1); or

22 “(ii) at the request of the Inspector  
23 General, the head of the agency within  
24 which the Office of Inspector General is lo-  
25 cated shall designate an official of the

1           agency to approve an extension of a period  
2           of investigative leave for the employee  
3           under paragraph (1).

4           “(B) GUIDANCE.—Not later than 1 year  
5           after the date of enactment of this section, the  
6           Council of the Inspectors General on Integrity  
7           and Efficiency shall issue guidance to ensure  
8           that if the Inspector General or the head of an  
9           agency, at the request of the Inspector General,  
10          delegates the authority to approve an extension  
11          under subparagraph (A) to a designee, the des-  
12          ignee is at a sufficiently high level within the  
13          Office of Inspector General or the agency, as  
14          applicable, to make an impartial and inde-  
15          pendent determination regarding the extension.

16          “(e) FURTHER EXTENSION OF INVESTIGATIVE  
17 LEAVE.—

18           “(1) IN GENERAL.—After reaching the limit  
19           under subsection (d)(2), an agency may further ex-  
20           tend a period of investigative leave for an employee  
21           for a period of not more than 60 days if, before the  
22           further extension begins, the head of the agency or,  
23           in the case of an employee of an Office of Inspector  
24           General, the Inspector General submits a notifica-

1 tion that includes the reasons for the further exten-  
2 sion to the—

3 “(A) committees of jurisdiction;

4 “(B) Committee on Homeland Security  
5 and Governmental Affairs of the Senate; and

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

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

11 “(3) OPM REVIEW.—An agency shall request  
12 from the Director, and include with the notification  
13 required under paragraph (1), the opinion of the Di-  
14 rector—

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

18 “(B) which shall not be binding on the  
19 agency.

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

23 “(f) CONSULTATION GUIDANCE.—Not later than 1  
24 year after the date of enactment of this section, the Coun-  
25 cil of the Inspectors General on Integrity and Efficiency,

1 in consultation with the Attorney General and the Special  
2 Counsel, shall issue guidance on best practices for con-  
3 sultation between an investigator and an agency on the  
4 need to place an employee in investigative leave during an  
5 investigation of the employee, including during a criminal  
6 investigation, because the continued presence of the em-  
7 ployee in the workplace during the investigation may—

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

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

11           “(3) result in loss of or damage to Government  
12 property; or

13           “(4) otherwise jeopardize legitimate Govern-  
14 ment interests.

15           “(g) REPORTING AND RECORDS.—

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

19           “(A) the basis for the determination made  
20 under subsection (c)(1);

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

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

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

1           “(E) the reasons for authorizing the leave,  
2 including, if applicable, the recommendation  
3 made by an investigator under subsection  
4 (d)(1); and

5           “(F) the action taken by the agency at the  
6 end of the period of leave, including, if applica-  
7 ble, the granting of any extension of a period  
8 of investigative leave under subsection (d) or  
9 (e).

10           “(2) AVAILABILITY OF RECORDS.—An agency  
11 shall make a record kept under paragraph (1) avail-  
12 able—

13           “(A) to any committee of Congress, upon  
14 request;

15           “(B) to the Office of Personnel Manage-  
16 ment; and

17           “(C) as otherwise required by law, includ-  
18 ing for the purposes of the Administrative  
19 Leave Act of 2016 and the amendments made  
20 by that Act.

21           “(h) REGULATIONS.—

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

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

2 “(i) investigative leave; and

3 “(ii) notice leave;

4 “(B) the proper recording of—

5 “(i) the leave categories described in  
6 subparagraph (A); and

7 “(ii) other leave authorized by law;

8 “(C) baseline factors that an agency shall  
9 consider when making a determination that the  
10 continued presence of an employee in the work-  
11 place may—

12 “(i) pose a threat to the employee or  
13 others;

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

16 “(iii) result in loss or damage to Gov-  
17 ernment property; or

18 “(iv) otherwise jeopardize legitimate  
19 Government interests; and

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

23 “(2) AGENCY ACTION.—Not later than 1 year  
24 after the date on which the Director prescribes regu-  
25 lations under paragraph (1), each agency shall revise



1 and implement the internal policies of the agency to  
2 meet the requirements of this section.

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

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

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

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

11 and

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

13 “(xii) a determination made by an agency  
14 under section 6330a(c)(1) that the continued  
15 presence of an employee in the workplace dur-  
16 ing an investigation of the employee or while  
17 the employee is in a notice period, if applicable,  
18 may—

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

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

23 “(III) result in loss of or damage to  
24 Government property; or

1                   “(IV) otherwise jeopardize legitimate  
2                   Government interests; and”.

3           (c) GAO REPORT.—Not later than 5 years after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall report to the Committee on  
6 Homeland Security and Governmental Affairs of the Sen-  
7 ate and the Committee on Oversight and Government Re-  
8 form of the House of Representatives on the results of  
9 an evaluation of the implementation of the authority pro-  
10 vided under sections 6330 and 6330a of title 5, United  
11 States Code, as added by section 1603(a) and subsection  
12 (a) of this section, respectively, including—

13                   (1) an assessment of agency use of the author-  
14                   ity provided under subsection (e) of such section  
15                   6330a, including data regarding—

16                           (A) the number and length of extensions  
17                           granted under that subsection; and

18                           (B) the number of times that the Director  
19                           of the Office of Personnel Management, under  
20                           paragraph (3) of that subsection—

21                                   (i) concurred with the decision of an  
22                                   agency to grant an extension; and

23                                   (ii) did not concur with the decision of  
24                                   an agency to grant an extension, including

1           the bases for those opinions of the Direc-  
2           tor;

3           (2) recommendations to Congress, as appro-  
4           priate, on the need for extensions beyond the exten-  
5           sions authorized under subsection (d) of such section  
6           6330a; and

7           (3) a review of the practice of agency placement  
8           of an employee in investigative or notice leave under  
9           subsection (b) of such section 6330a because of a  
10          determination under subsection (c)(1)(D) of that  
11          section that the employee jeopardized legitimate  
12          Government interests, including the extent to which  
13          such determinations were supported by evidence.

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

17          “(c) REQUIRED TELEWORK.—If an agency deter-  
18          mines under section 6330a(c)(1) that the continued pres-  
19          ence of an employee in the workplace during an investiga-  
20          tion of the employee or while the employee is in a notice  
21          period, if applicable, may pose 1 or more of the threats  
22          described in that section and the employee is eligible to  
23          telework under subsections (a) and (b) of this section, the  
24          agency may require the employee to telework for the dura-

1 tion of the investigation or the notice period, if applica-  
2 ble.”.

3 (e) TECHNICAL AND CONFORMING AMENDMENT.—  
4 The table of sections for subchapter II of chapter 63 of  
5 title 5, United States Code, is amended by inserting after  
6 the item relating to section 6330, as added by this subtitle,  
7 the following:

“6330a. Investigative leave and notice leave.”.

8 **SEC. 1605. LEAVE FOR WEATHER AND SAFETY ISSUES.**

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

12 **“§ 6330b. Weather and safety leave**

13 “(a) DEFINITIONS.—In this section—

14 “(1) the term ‘agency’—

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

17 “(B) does not include the Government Ac-  
18 countability Office; and

19 “(2) the term ‘employee’—

20 “(A) has the meaning given the term in  
21 section 2105; and

22 “(B) does not include an intermittent em-  
23 ployee who does not have an established regular  
24 tour of duty during the administrative work-  
25 week.

1       “(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—  
2 An agency may approve the provision of leave under this  
3 section to an employee or a group of employees without  
4 loss of or reduction in the pay of the employee or employ-  
5 ees, leave to which the employee or employees are other-  
6 wise entitled, or credit to the employee or employees for  
7 time or service only if the employee or group of employees  
8 is prevented from safely traveling to or performing work  
9 at an approved location due to—

10               “(1) an act of God;

11               “(2) a terrorist attack; or

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

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

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

22               “(1) guidance to agencies regarding the appro-  
23 priate purposes for providing leave under this sec-  
24 tion; and

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

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

7           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
8 The table of sections for subchapter II of chapter 63 of  
9 title 5, United States Code, is amended by inserting after  
10 the item relating to section 6330a, as added by this sub-  
11 title, the following:

“6330b. Weather and safety leave.”.

12 **SEC. 1606. ADDITIONAL OVERSIGHT.**

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

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.

1           **Subtitle G—Enhancements for**  
2                           **Inspectors General**

3       **PART I—INSPECTOR GENERAL EMPOWERMENT**

4       **SEC. 1701. SHORT TITLE.**

5           This part may be cited as the “Inspector General  
6 Empowerment Act of 2016”.

7       **SEC. 1702. NONDUTY STATUS OF INSPECTORS GENERAL;**  
8                           **NOMINAL SUPERVISION.**

9           The Inspector General Act of 1978 (5 U.S.C. App.)  
10 is amended—

11                   (1) in section 3—

12                           (A) in the section header—

13                                   (i) by inserting “**nominal**” before  
14 “**supervision;**”; and

15                                   (ii) by inserting “**paid or unpaid,**  
16 **nonduty status;**” after “**removal;**”;

17                           (B) in subsection (a)—

18                                   (i) by striking “be under the general  
19 supervision” and inserting “be under the  
20 nominal supervision”; and

21                                   (ii) by striking “be subject to super-  
22 vision by” and inserting “be subject to  
23 nominal supervision by”;

24                           (C) in subsection (b)—

- 1 (i) by striking “An Inspector General”  
2 and inserting “(1) An Inspector General”;  
3 (ii) in paragraph (1), as so des-  
4 ignated, by striking the last sentence; and  
5 (iii) by adding at the end the fol-  
6 lowing:

7 “(2)(A) Subject to subparagraphs (B) and (C), the  
8 President may place an Inspector General in an involun-  
9 tary paid or unpaid, nonduty status if the President deter-  
10 mines that the continued presence in the workplace of the  
11 Inspector General may—

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

13 “(ii) result in loss of or damage to property of  
14 the Federal Government; or

15 “(iii) otherwise jeopardize legitimate interests  
16 of the Federal Government.

17 “(B) Not later than 48 hours after the President  
18 issues the directive to place an Inspector General in an  
19 involuntary paid or unpaid, nonduty status under sub-  
20 paragraph (A), the President shall communicate in writing  
21 to both Houses of Congress the reasons for such action,  
22 which shall be limited to evidence showing that the contin-  
23 ued presence in the workplace of the Inspector General  
24 may result in a condition described in clause (i), (ii), or  
25 (iii) of subparagraph (A).



1       “(C) The President may not place an Inspector Gen-  
2 eral in an involuntary paid or unpaid, nonduty status  
3 under subparagraph (A) for more than 10 days, unless  
4 the Integrity Committee of the Council of the Inspectors  
5 General for Integrity and Efficiency submits to the Presi-  
6 dent a written recommendation for additional time, which  
7 is acted upon by the President, and the decision is commu-  
8 nicated immediately to both Houses of Congress.

9       “(3) Except as provided in paragraph (2), nothing  
10 in this subsection shall prohibit a personnel action other-  
11 wise authorized by law.”; and

12               (2) in section 8G—

13                       (A) in subsection (d)(1)—

14                               (i) by striking “be under the general  
15 supervision” and inserting “be under the  
16 nominal supervision”; and

17                               (ii) by striking “be subject to super-  
18 vision by” and inserting “be subject to  
19 nominal supervision by”; and

20                       (B) in subsection (e)—

21                               (i) in paragraph (2), by striking the  
22 last sentence; and

23                               (ii) by adding at the end the fol-  
24 lowing:

1       “(3)(A) Subject to subparagraphs (B) and (C), the  
2 head of a designated Federal entity may place an Inspec-  
3 tor General in an involuntary paid or unpaid, nonduty sta-  
4 tus if the head of the designated Federal entity determines  
5 that the continued presence in the workplace of the In-  
6 spector General may—

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

8               “(ii) result in loss of or damage to property of  
9 the Federal Government; or

10              “(iii) otherwise jeopardize legitimate interests  
11 of the Federal Government.

12       “(B) Not later than 48 hours after the head of a des-  
13 ignated Federal entity issues the directive to place an In-  
14 spector General in an involuntary paid or unpaid, nonduty  
15 status under subparagraph (A), the head of the designated  
16 Federal entity shall communicate in writing to both  
17 Houses of Congress the reasons for such action, which  
18 shall be limited to evidence showing that the continued  
19 presence in the workplace of the Inspector General may  
20 result in a condition described in clause (i), (ii), or (iii)  
21 of subparagraph (A).

22       “(C) The head of a designated Federal entity may  
23 not place an Inspector General in an involuntary paid or  
24 unpaid, nonduty status under subparagraph (A) for more  
25 than 10 days, unless the Integrity Committee of the Coun-

1 cil of the Inspectors General for Integrity and Efficiency  
2 submits to the head of the designated Federal entity a  
3 written recommendation for additional time, which is  
4 acted upon by the head of the designated Federal entity,  
5 and the decision is communicated immediately to both  
6 Houses of Congress.

7 “(4) Except as provided in paragraph (3), nothing  
8 in this subsection shall prohibit a personnel action other-  
9 wise authorized by law.”.

10 **SEC. 1703. ADDITIONAL AUTHORITY PROVISIONS FOR IN-**  
11 **SPECTORS GENERAL.**

12 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-  
13 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—

14 (1) IN GENERAL.—The Inspector General Act  
15 of 1978 (5 U.S.C. App.) is amended—

16 (A) in section 5(a), as amended by section  
17 1705(c) of this Act—

18 (i) in paragraph (19), by striking  
19 “and” at the end;

20 (ii) in paragraph (20), by striking the  
21 period at the end and inserting a semi-  
22 colon; and

23 (iii) by adding at the end the fol-  
24 lowing:

1           “(21) a description of the use of subpoenas for  
2           the attendance and testimony of certain witnesses  
3           under section 6A.”;

4                       (B) by inserting after section 6 the fol-  
5           lowing:

6   **“SEC. 6A. ADDITIONAL AUTHORITY.**

7           “(a) TESTIMONIAL SUBPOENA AUTHORITY.—

8                       “(1) IN GENERAL.—In addition to the authority  
9           otherwise provided by this Act and in accordance  
10          with the requirements of this section, the Inspector  
11          General of each establishment (and each Special In-  
12          spector General of an establishment not established  
13          under this Act), in carrying out the provisions of  
14          this Act (or, in the case of a Special Inspector Gen-  
15          eral, the provisions of the authorizing statute) and  
16          as necessary in the performance of the functions as-  
17          signed by this Act, is authorized to require by sub-  
18          poena the attendance and testimony of—

19                      “(A) a current or former contractor with  
20                      the establishment;

21                      “(B) a current or former subcontractor (at  
22                      any tier) of a contractor with the establishment;

23                      “(C) a current or former grantee of the es-  
24                      tablishment;

1           “(D) a current or former subgrantee of a  
2 grantee of the establishment;

3           “(E) a current or former employee of a  
4 contractor, subcontractor, grantee, or sub-  
5 grantee described in subparagraphs (A) through  
6 (D), respectively; and

7           “(F) any former Federal employee of the  
8 establishment (but not including any Federal  
9 employee who is otherwise obligated to provide  
10 testimony and cooperate with the Inspector  
11 General).

12           “(2) LIMITATIONS.—A subpoena described in  
13 paragraph (1)—

14           “(A) may only require the attendance and  
15 testimony of an individual for issues reasonably  
16 relevant to the current or former position of the  
17 individual under subparagraph (A), (B), (C),  
18 (D), (E), or (F) of paragraph (1), as applicable;

19           “(B) may only be issued by the Inspector  
20 General with oversight responsibilities for the  
21 establishment for which the individual under  
22 subparagraph (A), (B), (C), (D), (E), or (F) of  
23 paragraph (1), as applicable, worked; and

24           “(C) may not be used—

1           “(i) to investigate an individual with  
2           respect to an action that is protected under  
3           paragraph (8) or (9) of section 2302(b) of  
4           title 5, United States Code; or

5           “(ii) to obstruct or otherwise under-  
6           mine investigative activity for fact finding  
7           or corrective action under such paragraph  
8           (8) or (9).

9           “(3) ENFORCEMENT.—A subpoena described in  
10          paragraph (1), in the case of contumacy or refusal  
11          to obey, shall be enforceable by order of any appro-  
12          priate United States district court.

13          “(b) PANEL REVIEW BEFORE ISSUANCE.—

14                 “(1) APPROVAL REQUIRED.—Before the  
15          issuance of a subpoena described in subsection (a),  
16          an Inspector General shall submit a request for ap-  
17          proval to issue a subpoena by a majority of a panel  
18          (in this section referred to as the ‘Subpoena Panel’),  
19          which shall be comprised of—

20                         “(A) 3 members, of whom—

21                                 “(i) 2 members shall be from the  
22                                 Council of the Inspectors General on Integ-  
23                                 rity and Efficiency, as designated by the  
24                                 Chairperson of the Council of the Inspec-

1           tors General on Integrity and Efficiency;  
2           and

3           “(ii) 1 member shall be the Special  
4           Counsel of the Office of Special Counsel;  
5           or

6           “(B) in the case of a request by an Inspec-  
7           tor General from the Intelligence Community  
8           pursuant to the authority provided in sub-  
9           section (a), 3 Inspectors General within the In-  
10          telligence Community.

11          “(2) TIME TO RESPOND.—

12           “(A) IN GENERAL.—Except as provided in  
13           subparagraph (B), not later than 10 days after  
14           the date on which a request for approval to  
15           issue a subpoena is submitted under paragraph  
16           (1), the Subpoena Panel shall approve or deny  
17           the request.

18           “(B) ADDITIONAL INFORMATION FOR  
19           PANEL.—If the Subpoena Panel determines  
20           that additional information is necessary to ap-  
21           prove or deny a request for approval to issue a  
22           subpoena under subparagraph (A), the Sub-  
23           poena Panel shall, not later than 20 days after  
24           the date on which the request is submitted—

1                   “(i) request the additional informa-  
2                   tion; and

3                   “(ii) approve or deny the request.

4                   “(3) NOTIFICATION AND CONSULTATION WITH  
5                   ATTORNEY GENERAL.—Before an Inspector General  
6                   submits a request for approval to issue a subpoena  
7                   under paragraph (1), the Inspector General shall—

8                   “(A) notify the Attorney General that the  
9                   Inspector General intends to submit the re-  
10                  quest; and

11                  “(B) provide not less than 10 days for con-  
12                  sultation with the Attorney General.

13                  “(4) DENIAL BY PANEL.—If a majority of the  
14                  members of the Subpoena Panel votes to deny a re-  
15                  quest for approval to issue a subpoena under sub-  
16                  paragraph (B)(ii) or finds that the Inspector Gen-  
17                  eral did not comply with the requirement under sub-  
18                  section (a)(2), the subpoena may not be issued.

19                  “(c) NOTICE TO ATTORNEY GENERAL.—

20                  “(1) IN GENERAL.—If the Subpoena Panel ap-  
21                  proves a request for approval to issue a subpoena  
22                  under subsection (b)(2), the Inspector General shall  
23                  notify the Attorney General that the Inspector Gen-  
24                  eral intends to issue the subpoena.



1           “(2) DECISION OF ATTORNEY GENERAL.—Not  
2 later than 10 days after the date on which the At-  
3 torney General is notified under paragraph (1), the  
4 Attorney General may—

5           “(A) object to the issuance of the subpoena  
6 if the subpoena will interfere with an ongoing  
7 matter; or

8           “(B) approve the issuance of the subpoena.

9           “(3) ISSUANCE OF SUBPOENA APPROVED.—If  
10 the Attorney General approves the issuance of the  
11 subpoena or does not object to the issuance of the  
12 subpoena during the 10-day period described in  
13 paragraph (2), the Inspector General may issue the  
14 subpoena.

15           “(4) SUSPENSION OF SUBPOENA.—After the ex-  
16 piration of the 10-day period described in paragraph  
17 (2), the Attorney General may request that the In-  
18 spector General suspend the subpoena if the Attor-  
19 ney General determines that new circumstances  
20 would result in the subpoena interfering with an on-  
21 going matter. The Inspector General shall consult  
22 with and consider the request of the Attorney Gen-  
23 eral.

24           “(d) INCLUSION IN ANNUAL REPORT.—Not later  
25 than 1 year after the effective date of this section, and

1 every year thereafter, each Inspector General shall submit  
2 to the Chairperson of the Council of the Inspectors Gen-  
3 eral on Integrity and Efficiency the number of times the  
4 Inspector General issued a subpoena under this section,  
5 which shall be included by the Chairperson in the annual  
6 report required under section 11(b)(3)(B)(viii).

7 “(e) USE OF AUTHORITY.—The Chairperson of the  
8 Council of the Inspectors General on Integrity and Effi-  
9 ciency, in consultation with the Attorney General, shall  
10 prescribe policies and procedures to carry out the purposes  
11 of this section, which shall, at a minimum, include—

12 “(1) allowing not less than 14 calendar days be-  
13 tween the date on which a subpoena is served on the  
14 recipient or the counsel for the recipient and the  
15 interview date;

16 “(2) notifying the recipient of a subpoena not  
17 less than 14 calendar days in advance of the inter-  
18 view date of the right of the recipient to have coun-  
19 sel present and the nature of the audit, evaluation,  
20 or investigation in furtherance of which the sub-  
21 poena is being issued; and

22 “(3) requiring the Inspector General who issued  
23 the subpoena to pay travel and lodging expenses as-  
24 sociated with the subpoena if the interview occurs

1 more than 25 miles from the residence of the recipi-  
2 ent of the subpoena.

3 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion shall be construed to affect the exercise by an Inspec-  
5 tor General of any testimonial subpoena authority estab-  
6 lished under any other provision of law.”; and

7 (C) in section 8G(g)(1), by inserting “6A,”  
8 before “and 7”.

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) shall—

11 (A) take effect on the date that is 1 year  
12 after the date of enactment of this Act; and

13 (B) only apply to audits, evaluations, or in-  
14 vestigations initiated on or after the date of en-  
15 actment of this Act.

16 (b) MATCHING PROGRAM AND PAPERWORK REDUC-  
17 TION ACT EXCEPTION FOR INSPECTORS GENERAL.—Sec-  
18 tion 6 of the Inspector General Act of 1978 (5 U.S.C.  
19 App.) is amended—

20 (1) by redesignating subsections (b) through (f)  
21 as subsections (c) through (g), respectively; and

22 (2) by adding at the end the following:

23 “(h)(1) In this subsection, the terms ‘agency’,  
24 ‘matching program’, ‘record’, and ‘system of records’ have

1 the meanings given those terms in section 552a(a) of title  
2 5, United States Code.

3       “(2) For purposes of section 552a of title 5, United  
4 States Code, or any other provision of law, a computerized  
5 comparison of 2 or more automated Federal systems of  
6 records, or a computerized comparison of a Federal sys-  
7 tem of records with other records or non-Federal records,  
8 performed by an Inspector General or by an agency in co-  
9 ordination with an Inspector General in conducting an  
10 audit, investigation, inspection, evaluation, or other review  
11 authorized under this Act shall not be considered a match-  
12 ing program.

13       “(3) Nothing in this subsection shall be construed to  
14 impede the exercise by an Inspector General of any match-  
15 ing program authority established under any other provi-  
16 sion of law.

17       “(i) Subchapter I of chapter 35 of title 44, United  
18 States Code, shall not apply to the collection of informa-  
19 tion during the conduct of an audit, investigation, inspec-  
20 tion, evaluation, or other review conducted by the Council  
21 of the Inspectors General on Integrity and Efficiency or  
22 any Office of Inspector General, including any Office of  
23 Special Inspector General.”.

1 **SEC. 1704. ADDITIONAL RESPONSIBILITIES AND RE-**  
2 **SOURCES OF THE COUNCIL OF THE INSPEC-**  
3 **TORS GENERAL ON INTEGRITY AND EFFI-**  
4 **CIENCY.**

5 Section 11 of the Inspector General Act of 1978 (5  
6 U.S.C. App.) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)(B), by striking “Di-  
9 rector of National Intelligence” and inserting  
10 “Intelligence Community”; and

11 (B) by amending paragraph (3)(B)(viii) to  
12 read as follows:

13 “(viii) prepare and transmit an an-  
14 nual report on behalf of the Council on the  
15 activities of the Council to—

16 “(I) the President;

17 “(II) the appropriate committees  
18 of jurisdiction of the Senate and the  
19 House of Representatives;

20 “(III) the Committee on Home-  
21 land Security and Governmental Af-  
22 fairs of the Senate; and

23 “(IV) the Committee on Over-  
24 sight and Government Reform of the  
25 House of Representatives.”;

26 (2) in subsection (c)(1)—

1 (A) in subparagraph (G), by striking  
2 “and” at the end;

3 (B) by redesignating subparagraph (H) as  
4 subparagraph (I); and

5 (C) by inserting after subparagraph (G)  
6 the following:

7 “(H) except for matters coordinated  
8 among Inspectors General under section 3033  
9 of title 50, United States Code, receive, review,  
10 and mediate any disputes submitted in writing  
11 to the Council by an Office of Inspector General  
12 regarding an audit, investigation, inspection,  
13 evaluation, or project that involves the jurisdic-  
14 tion of more than 1 Office of Inspector General;  
15 and”;

16 (3) in subsection (d)—

17 (A) in paragraph (2)—

18 (i) by striking subparagraph (C);

19 (ii) by redesignating subparagraphs  
20 (A), (B), and (D) as clauses (i), (ii), and  
21 (iii), respectively, and adjusting the mar-  
22 gins accordingly;

23 (iii) in the matter preceding clause (i),  
24 as so redesignated, by striking “The Integ-  
25 rity” and inserting the following:

1 “(A) IN GENERAL.—The Integrity”;

2 (iv) in clause (i), as so redesignated,  
3 by striking “, who” and all that follows  
4 through “Committee”;

5 (v) in clause (iii), as so redesignated,  
6 by inserting “or the designee of the Direc-  
7 tor” before the period at the end; and

8 (vi) by adding at the end the fol-  
9 lowing:

10 “(B) CHAIRPERSON.—

11 “(i) IN GENERAL.—The Integrity  
12 Committee shall elect 1 of the Inspectors  
13 General referred to in subparagraph (A)(ii)  
14 to act as Chairperson of the Integrity  
15 Committee.

16 “(ii) TERM.—The term of office of the  
17 Chairperson of the Integrity Committee  
18 shall be 2 years.”;

19 (B) by amending paragraph (5) to read as  
20 follows:

21 “(5) REVIEW OF ALLEGATIONS.—

22 “(A) IN GENERAL.—Not later than 7 cal-  
23 endar days after the date on which the Integ-  
24 rity Committee receives an allegation of wrong-  
25 doing against an Inspector General or against

1 a staff member of an Office of Inspector Gen-  
2 eral described under paragraph (4)(C), the alle-  
3 gation of wrongdoing shall be reviewed and re-  
4 ferred to the Department of Justice or the Of-  
5 fice of Special Counsel for investigation, or to  
6 the Integrity Committee for review, as appro-  
7 priate, by—

8 “(i) a representative of the Depart-  
9 ment of Justice, as designated by the At-  
10 torney General;

11 “(ii) a representative of the Office of  
12 Special Counsel, as designated by the Spe-  
13 cial Counsel; and

14 “(iii) a representative of the Integrity  
15 Committee, as designated by the Chair-  
16 person of the Integrity Committee.

17 “(B) REFERRAL TO THE CHAIRPERSON.—

18 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), not later than 30 cal-  
20 endar days after the date on which an alle-  
21 gation of wrongdoing is referred to the In-  
22 tegrity Committee under subparagraph  
23 (A), the Integrity Committee shall deter-  
24 mine whether to refer the allegation of  
25 wrongdoing to the Chairperson of the In-



1 integrity Committee to initiate an investiga-  
2 tion.

3 “(ii) EXTENSION.—The 30-day period  
4 described in clause (i) may be extended for  
5 an additional period of 15 days if the In-  
6 tegrity Committee provides written notice  
7 to the congressional committees described  
8 in paragraph (8)(A)(iii) that includes a de-  
9 tailed, case-specific description of why the  
10 additional time is needed to evaluate the  
11 allegation of wrongdoing.”;

12 (C) in paragraph (6)—

13 (i) in subparagraph (A), by striking  
14 “paragraph (5)(C)” and inserting “para-  
15 graph (5)(B)”; and

16 (ii) in subparagraph (B)(i), by strik-  
17 ing “may” and inserting “shall”;

18 (D) in paragraph (7)—

19 (i) in subparagraph (B)—

20 (I) in clause (i)—

21 (aa) in subclause (III), by  
22 striking “and” at the end;

23 (bb) in subclause (IV), by  
24 striking the period at the end  
25 and inserting a semicolon; and

1 (cc) by adding at the end  
2 the following:

3 “(V) except as provided in clause  
4 (ii), ensuring, to the extent possible,  
5 that investigations are conducted by  
6 Offices of Inspector General of similar  
7 size;

8 “(VI) creating a process for rota-  
9 tion of Inspectors General assigned to  
10 investigate allegations through the In-  
11 tegrity Committee; and

12 “(VII) creating procedures to  
13 avoid conflicts of interest for Integrity  
14 Committee investigations.”;

15 (II) by redesignating clause (ii)  
16 as clause (iii); and

17 (III) by inserting after clause (i)  
18 the following:

19 “(ii) EXCEPTION.—The requirement  
20 under clause (i)(V) shall not apply to any  
21 Office of Inspector General with less than  
22 50 employees who are authorized to con-  
23 duct audits or investigations.”;

24 (ii) by striking subparagraph (C); and

1 (iii) by inserting after subparagraph  
2 (B) the following:

3 “(C) COMPLETION OF INVESTIGATION.—If  
4 an allegation of wrongdoing is referred to the  
5 Chairperson of the Integrity Committee under  
6 paragraph (5)(B), the Chairperson of the Integ-  
7 rity Committee—

8 “(i) shall complete the investigation  
9 not later than 150 calendar days after the  
10 date on which the Integrity Committee  
11 made the referral;

12 “(ii) if the investigation cannot be  
13 completed within the 150-day period de-  
14 scribed in clause (i), shall—

15 “(I) promptly notify the congres-  
16 sional committees described in para-  
17 graph (8)(A)(iii); and

18 “(II) brief the congressional com-  
19 mittees described in paragraph  
20 (8)(A)(iii) every 30 days regarding the  
21 status of the investigation and the  
22 general reasons for delay until the in-  
23 vestigation is complete.

24 “(D) CONCURRENT INVESTIGATION.—If an  
25 allegation of wrongdoing against an Inspector

1 General or a staff member of an Office of In-  
2 spector General described under paragraph  
3 (4)(C) is referred to the Department of Justice  
4 or the Office of Special Counsel under para-  
5 graph (5)(A), the Chairperson of the Integrity  
6 Committee may conduct any related investiga-  
7 tion referred to the Chairperson under para-  
8 graph (5)(B) concurrently with the Department  
9 of Justice or the Office of Special Counsel, as  
10 applicable.

11 “(E) REPORTS.—

12 “(i) INTEGRITY COMMITTEE INVES-  
13 TIGATIONS.—For each investigation of an  
14 allegation of wrongdoing referred to the  
15 Chairperson of the Integrity Committee  
16 under paragraph (5)(B), the Chairperson  
17 of the Integrity Committee shall submit to  
18 members of the Integrity Committee and  
19 to the Chairperson of the Council a report  
20 containing the results of the investigation.

21 “(ii) OTHER INVESTIGATIONS.—For  
22 each allegation of wrongdoing referred to  
23 the Department of Justice or the Office of  
24 Special Counsel under paragraph (5)(A),  
25 the Attorney General or the Special Coun-

1 sel, as applicable, shall submit to the In-  
2 tegrity Committee a report containing the  
3 results of the investigation.

4 “(iii) AVAILABILITY TO CONGRESS.—

5 “(I) IN GENERAL.—The congres-  
6 sional committees described in para-  
7 graph (8)(A)(iii) shall have access to  
8 any report authored by the Integrity  
9 Committee.

10 “(II) MEMBERS OF CONGRESS.—

11 Subject to any other provision of law  
12 that would otherwise prohibit diselo-  
13 sure of such information, the Integrity  
14 Committee may provide any report  
15 authored by the Integrity Committee  
16 to any Member of Congress.”;

17 (E) by striking paragraph (8)(A)(iii) and  
18 inserting the following:

19 “(iii) submit the report, with the rec-  
20 ommendations of the Integrity Committee,  
21 to the Committee on Homeland Security  
22 and Governmental Affairs of the Senate,  
23 the Committee on Oversight and Govern-  
24 ment Reform of the House of Representa-

1           tives, and other congressional committees  
2           of jurisdiction; and

3           “(iv) following the submission of the  
4           report under clause (iii) and upon request  
5           by any Member of Congress, submit the re-  
6           port, with the recommendations of the In-  
7           tegrity Committee, to that Member.”;

8           (F) in paragraph (9)(B), by striking  
9           “other agencies” and inserting “the Depart-  
10          ment of Justice or the Office of Special Coun-  
11          sel”;

12          (G) in paragraph (10), by striking “any of  
13          the following” and all that follows through the  
14          period at the end and inserting “any Member of  
15          Congress.”; and

16          (H) by adding at the end the following:

17          “(12) ALLEGATIONS OF WRONGDOING AGAINST  
18          SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

19                 “(A) SPECIAL COUNSEL DEFINED.—In this  
20          paragraph, the term ‘Special Counsel’ means  
21          the Special Counsel appointed under section  
22          1211(b) of title 5, United States Code.

23                 “(B) AUTHORITY OF INTEGRITY COM-  
24          MITTEE.—

1           “(i) IN GENERAL.—An allegation of  
2           wrongdoing against the Special Counsel or  
3           the Deputy Special Counsel may be re-  
4           ceived, reviewed, and referred for investiga-  
5           tion to the same extent and in the same  
6           manner as in the case of an allegation  
7           against an Inspector General or against a  
8           staff member of an Office of Inspector  
9           General described under paragraph (4)(C),  
10          subject to the requirement that the rep-  
11          resentative designated by the Special  
12          Counsel under paragraph (5)(A)(ii) shall  
13          recuse himself or herself from the consider-  
14          ation of any allegation brought under this  
15          paragraph.

16          “(ii) COORDINATION WITH EXISTING  
17          PROVISIONS OF LAW.—This paragraph  
18          shall not eliminate access to the Merit Sys-  
19          tems Protection Board for review under  
20          section 7701 of title 5, United States  
21          Code. To the extent that an allegation  
22          brought under this paragraph involves sec-  
23          tion 2302(b)(8) of such title, a failure to  
24          obtain corrective action within 120 days  
25          after the date on which the allegation is re-

1           ceived by the Integrity Committee shall,  
2           for purposes of section 1221 of such title,  
3           be considered to satisfy section  
4           1214(a)(3)(B) of such title.

5           “(C) REGULATIONS.—The Integrity Com-  
6           mittee may prescribe any rules or regulations  
7           necessary to carry out this paragraph, subject  
8           to such consultation or other requirements as  
9           may otherwise apply.

10          “(13) COMMITTEE RECORDS.—The Chairperson  
11          of the Council shall maintain the records of the In-  
12          tegrity Committee.”; and

13               (4) by adding at the end the following:

14          “(e) AUTHORIZATION OF APPROPRIATIONS FOR  
15          COUNCIL.—For the purposes of carrying out this section,  
16          there are authorized to be appropriated into the revolving  
17          fund described in subsection (e)(3)(B), out of any money  
18          in the Treasury not otherwise appropriated, the following  
19          sums:

20               “(1) \$7,800,000 for fiscal year 2017.

21               “(2) \$8,100,000 for fiscal year 2018.

22               “(3) \$8,500,000 for fiscal year 2019.

23               “(4) \$8,900,000 for fiscal year 2020.

24               “(5) \$9,300,000 for fiscal year 2021.”.



1 **SEC. 1705. REPORTS AND ADDITIONAL INFORMATION.**

2 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-  
3 SPECTOR GENERAL.—The Comptroller General of the  
4 United States shall—

5 (1) conduct a study of prolonged vacancies in  
6 the Offices of Inspector General during which a tem-  
7 porary appointee has served as the head of the office  
8 that includes—

9 (A) the number and duration of Inspector  
10 General vacancies;

11 (B) an examination of the extent to which  
12 the number and duration of such vacancies has  
13 changed over time;

14 (C) an evaluation of the impact such va-  
15 cancies have had on the ability of the relevant  
16 Office of Inspector General to effectively carry  
17 out statutory requirements; and

18 (D) recommendations to minimize the du-  
19 ration of such vacancies;

20 (2) not later than 9 months after the date of  
21 enactment of this Act, present a briefing on the  
22 findings of the study conducted under paragraph (1)  
23 to—

24 (A) the Committee on Homeland Security  
25 and Governmental Affairs of the Senate; and

1 (B) the Committee on Oversight and Gov-  
2 ernment Reform of the House of Representa-  
3 tives; and

4 (3) not later than 15 months after the date of  
5 enactment of this Act, submit a report on the find-  
6 ings of the study conducted under paragraph (1) to  
7 the committees described in paragraph (2).

8 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-  
9 FICES OF INSPECTOR GENERAL.—The Council of the In-  
10 spectors General on Integrity and Efficiency shall—

11 (1) conduct an analysis of critical issues that  
12 involve the jurisdiction of more than 1 individual  
13 Federal agency or entity to identify—

14 (A) each such issue that could be better  
15 addressed through greater coordination among,  
16 and cooperation between, individual Offices of  
17 Inspector General;

18 (B) the best practices that can be em-  
19 ployed by the Offices of Inspector General to in-  
20 crease coordination and cooperation on each  
21 issue identified; and

22 (C) any recommended statutory changes  
23 that would facilitate coordination and coopera-  
24 tion among the Offices of Inspector General on  
25 critical issues; and

1           (2) not later than 1 year after the date of en-  
2           actment of this Act, submit a report on the findings  
3           of the analysis described in paragraph (1) to—

4                   (A) the Committee on Homeland Security  
5                   and Governmental Affairs of the Senate; and

6                   (B) the Committee on Oversight and Gov-  
7                   ernment Reform of the House of Representa-  
8                   tives.

9           (c) ADDITIONAL INFORMATION.—Section 5 of the In-  
10          specter General Act of 1978 (5 U.S.C. App) is amended—

11                   (1) in subsection (a)—

12                           (A) in paragraph (10)—

13                                   (i) by striking “period for which” and  
14                                   inserting “period—

15                                   “(A) for which”; and

16                                   (ii) by adding at the end the fol-  
17                                   lowing:

18                                   “(B) for which no establishment comment  
19                                   was returned within 60 days of providing the  
20                                   report to the establishment; and

21                                   “(C) for which there are any outstanding  
22                                   unimplemented recommendations, including the  
23                                   aggregate potential cost savings of those rec-  
24                                   ommendations.”;

1 (B) in paragraph (15), by striking “and”  
2 at the end;

3 (C) in paragraph (16), by striking the pe-  
4 riod at the end and inserting a semicolon; and

5 (D) by adding at the end the following:

6 “(17) a report on each investigation conducted  
7 by the Office involving general or flag officers or em-  
8 ployees of the establishment serving in a position  
9 classified at or above GS-15 of the General Schedule  
10 or an equivalent position where allegations of mis-  
11 conduct were substantiated, including a detailed de-  
12 scription of—

13 “(A) the facts and circumstances of the in-  
14 vestigation; and

15 “(B) the status and disposition of the mat-  
16 ter, including—

17 “(i) if the matter was referred to the  
18 Department of Justice, the date of the re-  
19 ferral; and

20 “(ii) if the Department of Justice de-  
21 clined the referral, the date of the declina-  
22 tion;

23 “(18) a detailed description of any instance of  
24 whistleblower retaliation, including information  
25 about the official found to have engaged in retalia-

1 tion and what, if any, consequences the establish-  
2 ment imposed to hold that official accountable;

3 “(19) a detailed description of any attempt by  
4 the establishment to interfere with the independence  
5 of the Office, including—

6 “(A) with communication between the Of-  
7 fice and Congress;

8 “(B) with budget constraints designed to  
9 limit the capabilities of the Office; and

10 “(C) incidents where the establishment has  
11 resisted or objected to oversight activities of the  
12 Office or restricted or significantly delayed ac-  
13 cess to information, including the justification  
14 of the establishment for such action; and

15 “(20) detailed descriptions of the particular cir-  
16 cumstances of each—

17 “(A) inspection, evaluation, and audit con-  
18 ducted by the Office that is closed and was not  
19 disclosed to the public; and

20 “(B) investigation conducted by the Office  
21 involving general or flag officers or employees  
22 of the establishment serving in a position classi-  
23 fied at or above GS-15 of the General Schedule  
24 or an equivalent position that is closed and was  
25 not disclosed to the public.”; and

1           (2) in subsection (e), by adding at the end the  
2 following:

3           “(4) Subject to any other provision of law that would  
4 otherwise prohibit disclosure of such information, the in-  
5 formation described in paragraph (1) may be provided to  
6 any Member of Congress upon request.

7           “(5) An Office may not provide to Congress or the  
8 public any information that reveals the personally identifi-  
9 able information of a whistleblower under this section un-  
10 less the Office first obtains the consent of the whistle-  
11 blower.”.

12           (d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE  
13 PUBLIC CERTAIN WORK PRODUCTS.—Section 4 of the In-  
14 spector General Act of 1978 (5 U.S.C. App.) is amended  
15 by adding at the end the following:

16           “(e)(1) Whenever an Inspector General, in carrying  
17 out the duties and responsibilities established under this  
18 Act, issues a work product that makes a recommendation  
19 or otherwise suggests corrective action, the Inspector Gen-  
20 eral—

21                   “(A) shall submit the work product to—

22                           “(i) the head of the establishment;

23                           “(ii) the congressional committees of juris-  
24 diction; and

1           “(iii) if the work product was initiated  
2           upon request by an individual or entity other  
3           than the Inspector General, that individual or  
4           entity;

5           “(B) may submit the work product to any  
6           Member of Congress upon request; and

7           “(C) not later than 3 days after the work prod-  
8           uct is submitted in final form to the head of the es-  
9           tablishment, post the work product on the website of  
10          the Office of Inspector General.

11          “(2) Nothing in this subsection shall be construed to  
12          authorize the public disclosure of information that is spe-  
13          cifically prohibited from disclosure by any other provision  
14          of law.”.

15          (e) POSTING OF REPORTS ON WEBSITES OF OFFICES  
16          OF INSPECTORS GENERAL.—Section 8M(b) of the Inspec-  
17          tor General Act of 1978 (5 U.S.C. App.) is amended—

18                 (1) in paragraph (1)(A), by striking “is made  
19                 publicly available” and inserting “is submitted in  
20                 final form to the head of the Federal agency or the  
21                 head of the designated Federal entity, as applica-  
22                 ble”; and

23                 (2) by adding at the end the following:

24                 “(3) RULE OF CONSTRUCTION.—Nothing in  
25                 this subsection shall be construed to authorize the

1 public disclosure of information that is prohibited  
2 from disclosure by any other provision of law.”.

3 **SEC. 1706. FULL AND PROMPT ACCESS TO ALL DOCU-**  
4 **MENTS.**

5 Section 6 of the Inspector General Act of 1978 (5  
6 U.S.C. App.), as amended by section 1703(b) of this Act,  
7 is further amended—

8 (1) in subsection (a), by striking paragraph (1)  
9 and inserting the following:

10 “(1)(A) to have timely access to all records, re-  
11 ports, audits, reviews, documents, papers, rec-  
12 ommendations, or other materials available to the  
13 applicable establishment which relate to the pro-  
14 grams and operations with respect to which that In-  
15 spector General has responsibilities under this Act;  
16 and

17 “(B) to have access under subparagraph (A)  
18 notwithstanding any other provision of law, except  
19 pursuant to any provision of law enacted by Con-  
20 gress that expressly—

21 “(i) refers to the Inspector General; and

22 “(ii) limits the right of access of the In-  
23 spector General;”; and

24 (2) by inserting after subsection (a) the fol-  
25 lowing:



1 “(b) Each Inspector General shall ensure compliance  
2 with statutory limitations on disclosure relevant to any in-  
3 formation provided by the applicable establishment under  
4 subsection (a).”.

5 **SEC. 1707. ACCESS TO INFORMATION FOR CERTAIN INSPEC-**  
6 **TORS GENERAL.**

7 The Inspector General Act of 1978 (5 U.S.C. App.),  
8 as amended by this part, is amended—

9 (1) in section 8(b)(2)—

10 (A) by inserting “from accessing informa-  
11 tion described in paragraph (1),” after “com-  
12 pleting any audit or investigation,”; and

13 (B) by inserting “, access such informa-  
14 tion,” after “complete such audit or investiga-  
15 tion”;

16 (2) in section 8D(a)(2)—

17 (A) by inserting “from accessing informa-  
18 tion described in paragraph (1),” after “com-  
19 pleting any audit or investigation,”; and

20 (B) by inserting “, access such informa-  
21 tion,” after “complete such audit or investiga-  
22 tion”;

23 (3) in section 8E(a)(2)—

1 (A) by inserting “from accessing informa-  
2 tion described in paragraph (1),” after “com-  
3 pleting any audit or investigation,”; and

4 (B) by inserting “, access such informa-  
5 tion,” after “complete such audit or investiga-  
6 tion”;

7 (4) in section 8G(d)(2)(A), by inserting “, or  
8 from accessing information available to an element  
9 of the intelligence community specified in subpara-  
10 graph (D),” after “investigation”;

11 (5) in section 8I(a)(2)—

12 (A) by inserting “from accessing informa-  
13 tion described in paragraph (1),” after “com-  
14 pleting any audit or investigation,”; and

15 (B) by inserting “, access such informa-  
16 tion,” after “complete such audit or investiga-  
17 tion”;

18 (6) in section 8J, by striking “or 8H” and in-  
19 serting “8H, or 8N”; and

20 (7) by inserting after section 8M the following:

21 **“SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE**

22 **DEPARTMENT OF ENERGY.**

23 “(a) The Secretary of Energy may prohibit the In-  
24 spector General of the Department of Energy from access-  
25 ing Restricted Data and nuclear safeguards information

1 protected from disclosure under chapter 12 of the Atomic  
2 Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intel-  
3 ligence or counterintelligence, as defined in section 3 of  
4 the National Security Act of 1947 (50 U.S.C. 3003), if  
5 the Secretary of Energy determines that the prohibition  
6 is necessary to protect the national security or prevent the  
7 significant impairment to the national security interests  
8 of the United States.

9 “(b) Not later than 7 days after the date on which  
10 the Secretary of Energy exercises any power authorized  
11 under subsection (a), the Secretary shall notify the Inspec-  
12 tor General of the Department of Energy in writing the  
13 reasons for such exercise. Within 30 days after receipt of  
14 any such notice, the Inspector General of the Department  
15 of Energy shall submit to the appropriate committees of  
16 Congress a statement concerning such exercise.”.

17 **SEC. 1708. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) REPEALS.—

19 (1) INSPECTOR GENERAL ACT OF 2008.—Sec-  
20 tion 7(b) of the Inspector General Reform Act of  
21 2008 (Public Law 110–409; 122 Stat. 4312; 5  
22 U.S.C. 1211 note) is repealed.

23 (2) FINANCIAL SERVICES AND GENERAL GOV-  
24 ERNMENT APPROPRIATIONS ACT, 2009.—Section 744  
25 of the Financial Services and General Government

1 Appropriations Act, 2009 (division D of Public Law  
2 111–8; 123 Stat. 693) is repealed.

3 (b) AGENCY APPLICABILITY.—

4 (1) AMENDMENTS.—The Inspector General Act  
5 of 1978 (5 U.S.C. App.), as amended by this part,  
6 is further amended—

7 (A) in section 8M—

8 (i) in subsection (a)(1)—

9 (I) by striking “Each agency”  
10 and inserting “Each Federal agency  
11 and designated Federal entity”; and

12 (II) by striking “that agency”  
13 each place that term appears and in-  
14 serting “that Federal agency or des-  
15 ignated Federal entity”;

16 (ii) in subsection (b)—

17 (I) in paragraph (1), by striking  
18 “agency” and inserting “Federal  
19 agency and designated Federal enti-  
20 ty”; and

21 (II) in paragraph (2), by striking  
22 “agency” each place that term ap-  
23 pears and inserting “Federal agency  
24 and designated Federal entity”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(c) DEFINITIONS.—In this section, the terms ‘des-  
4 ignated Federal entity’ and ‘head of the designated Fed-  
5 eral entity’ have the meanings given those terms in section  
6 8G(a).”; and

7 (B) in section 11(c)(3)(A)(ii), by striking  
8 “department, agency, or entity of the executive  
9 branch” and inserting “Federal agency or des-  
10 ignated Federal entity (as defined in section  
11 8G(a))”.

12 (2) EFFECTIVE DATE.—The amendments made  
13 by paragraph (1) shall take effect on the date that  
14 is 180 days after the date of enactment of this Act.

15 (c) REQUIREMENTS FOR INSPECTORS GENERAL  
16 WEBSITES.—Section 8M(b)(1) of the Inspector General  
17 Act of 1978 (5 U.S.C. App.), as amended by this part,  
18 is further amended—

19 (1) in subparagraph (A), by striking “report or  
20 audit (or portion of any report or audit)” and insert-  
21 ing “audit report, inspection report, or evaluation  
22 report (or portion of any such report)”; and

23 (2) by striking “report or audit (or portion of  
24 that report or audit)” each place that term appears  
25 and inserting “report (or portion of that report)”.

1 (d) CORRECTIONS.—

2 (1) EXECUTIVE ORDER NUMBER.—Section  
3 7(c)(2) of the Inspector General Reform Act of 2008  
4 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.  
5 501 note) is amended by striking “12933” and in-  
6 serting “12993”.

7 (2) PUNCTUATION AND CROSS-REFERENCES.—  
8 The Inspector General Act of 1978 (5 U.S.C. App.),  
9 as amended by this part, is further amended—

10 (A) in section 4(b)(2)—

11 (i) by striking “8F(a)(2)” each place  
12 that term appears and inserting  
13 “8G(a)(2)”; and

14 (ii) by striking “8F(a)(1)” and insert-  
15 ing “8G(a)(1)”;

16 (B) in section 5(a)(5), by striking “section  
17 6(b)(2)” and inserting “section 6(e)(2)”;

18 (C) in section 5(a)(13), by striking  
19 “05(b)” and inserting “804(b)”;

20 (D) in section 6(a)(4), by striking “infor-  
21 mation, as well as any tangible thing)” and in-  
22 serting “information), as well as any tangible  
23 thing”;

24 (E) in section 8A(d), by striking “section  
25 6(e)” and inserting “section 6(d)”;

1 (F) in section 8G(g)(3), by striking “8C”  
2 and inserting “8D”.

3 (3) SPELLING.—The Inspector General Act of  
4 1978 (5 U.S.C. App.), as amended by this part, is  
5 further amended—

6 (A) in section 3(a), by striking “subpena”  
7 and inserting “subpoena”;

8 (B) in section 6(a)(4), by striking “sub-  
9 penas” and inserting “subpoenas”;

10 (C) in section 8D(a)—

11 (i) in paragraph (1), by striking “sub-  
12 penas” and inserting “subpoenas”; and

13 (ii) in paragraph (2), by striking  
14 “subpena” each place that term appears  
15 and inserting “subpoena”;

16 (D) in section 8E(a)—

17 (i) in paragraph (1), by striking “sub-  
18 penas” and inserting “subpoenas”; and

19 (ii) in paragraph (2), by striking  
20 “subpena” each place that term appears  
21 and inserting “subpoena”; and

22 (E) in section 8G(d)(1), by striking “sub-  
23 pena” and inserting “subpoena”.

1       **PART II—INSPECTOR GENERAL MANDATES**

2                               **REPORTING**

3   **SEC. 1751. SHORT TITLE.**

4       This part may be cited as the “Inspector General  
5 Mandates Reporting Act of 2016”.

6   **SEC. 1752. REPORTING REQUIREMENTS OF INSPECTORS**

7                               **GENERAL.**

8       (a) DEFINITION.—In this section, the term “report-  
9 ing requirement” means a report that an Office of Inspec-  
10 tor General is required to complete under the Inspector  
11 General Act of 1978 (5 U.S.C. App.) or any other provi-  
12 sion of law.

13       (b) REPORT BY INSPECTORS GENERAL TO CIGIE.—

14 Not later than 60 days after the date of enactment of this  
15 Act, each Office of Inspector General shall submit to the  
16 Council of Inspectors General on Integrity and Efficiency  
17 a report, which—

18               (1) shall include a list of each reporting re-  
19 quirement for the Office of Inspector General; and

20               (2) may include a list of each reporting require-  
21 ment that the Office of Inspector General rec-  
22 ommends should be modified or repealed.

23       (c) REPORT BY CIGIE TO CONGRESS.—Not later  
24 than 60 days after the date on which the Council of In-  
25 spectors General on Integrity and Efficiency receives the



1 reports required to be submitted under subsection (b), the  
 2 Council shall submit to Congress a report, which—

3 (1) shall include—

4 (A) a list of each reporting requirement  
 5 that is common to more than 1 Office of In-  
 6 spector General; and

7 (B) a list, by Office of Inspector General,  
 8 of each reporting requirement that is unique to  
 9 that Office of Inspector General; and

10 (2) may include recommendations for reporting  
 11 requirements that should be modified or repealed.

12 (d) FORM.—Each report submitted under this section  
 13 shall be in unclassified form, but may include a classified  
 14 annex.

15 **Subtitle H—Enhancements for**  
 16 **Government Accountability Office**  
 17 **PART I—GOVERNMENT ACCOUNTABILITY OFFICE**  
 18 **MANDATES REVISIONS**

19 **SEC. 1801. SHORT TITLE.**

20 This part may be cited as the “GAO Mandates Revi-  
 21 sion Act of 2016”.

22 **SEC. 1802. REPORTS ELIMINATED.**

23 (a) SINGLE AUDIT ACT MONITORING RESPONSIBIL-  
 24 ITIES.—

1           (1) IN GENERAL.—Chapter 75 of title 31,  
2           United States Code, is amended—

3                   (A) by striking section 7506; and

4                   (B) by redesignating section 7507 as sec-  
5           tion 7506.

6           (2) TECHNICAL AND CONFORMING AMEND-  
7           MENT.—The table of sections for chapter 75 of title  
8           31, United States Code, is amended by striking the  
9           items relating to sections 7506 and 7507 and insert-  
10          ing the following:

“7506. Effective date.”.

11          (b) REVIEW OF MEDIGAP PREMIUM LEVELS.—Sec-  
12          tion 111(c) of the Medicare, Medicaid, and SCHIP Bene-  
13          fits Improvement and Protection Act of 2000 (Appendix  
14          F; 114 Stat. 2763A–473), as enacted into law by section  
15          1(a)(6) of Public Law 106–554, is repealed.

16          (c) REPORT ON DISPUTE RESOLUTION PILOT PRO-  
17          GRAM.—Section 1105 of the Sandy Recovery Improvement  
18          Act of 2013 (42 U.S.C. 5189a note) is amended by strik-  
19          ing subsection (d).

20          (d) BIENNIAL SURVEY REGARDING TRANSPOR-  
21          TATION INTELLIGENCE REPORTS.—Section 114(u) of title  
22          49, United States Code, is amended—

23                   (1) in paragraph (1)(A), by striking “subsection  
24                   (t)” and inserting “subsection (s)(4)(E)”;

25                   (2) by striking paragraph (7); and

1           (3) by redesignating paragraphs (8) and (9) as  
2 paragraphs (7) and (8), respectively.

3           (e) REVIEW AND EVALUATION OF GUIDANCE RELAT-  
4 ING TO POST HARVEST PROCESSING OF RAW OYSTERS.—  
5 Section 114 of the FDA Food Safety Modernization Act  
6 (21 U.S.C. 342 note)) is amended—

7           (1) by striking subsection (c); and

8           (2) by redesignating subsections (d) and (e) as  
9 subsections (c) and (d), respectively.

10 **SEC. 1803. REPORTS MODIFIED.**

11           (a) OVERSIGHT AND AUDITS UNDER THE EMER-  
12 GENCY ECONOMIC STABILIZATION ACT OF 2008.—Section  
13 116(a)(3) of the Emergency Economic Stabilization Act  
14 of 2008 (12 U.S.C. 5226(a)(3)) is amended by striking  
15 “, regularly and no less frequently than once every 60  
16 days,” and inserting “annually”.

17           (b) GAO STUDY OF FINANCIAL REGULATIONS.—  
18 Section 1016B(a) of the Consumer Financial Protection  
19 Act of 2010 (12 U.S.C. 5496b(a)) is amended—

20           (1) in the matter preceding paragraph (1), in  
21 the first sentence—

22           (A) by striking “Not later than the end of  
23 the 180-day period beginning on the date of the  
24 enactment of this Act, and annually thereafter,  
25 the” and inserting “The”; and

1 (B) by inserting “periodically, as the  
2 Comptroller General determines is appro-  
3 priate,” after “shall”;

4 (2) in paragraph (1), by striking “, including  
5 whether relevant Federal agencies are applying  
6 sound cost-benefit analysis in promulgating rules;”  
7 and inserting “; and”;

8 (3) by striking paragraph (2); and

9 (4) by redesignating paragraph (3) as para-  
10 graph (2).

11 (c) REPORTS ON CONFLICT MINERALS.—Section  
12 1502(d) of the Dodd-Frank Wall Street Reform and Con-  
13 sumer Protection Act (15 U.S.C. 78m note) is amended—

14 (1) in paragraph (1), by striking “until the ter-  
15 mination of the disclosure requirements under sec-  
16 tion 13(p) of the Securities Exchange Act of 1934”  
17 and inserting “through 2020, in 2022, and in  
18 2024”; and

19 (2) in paragraph (2), in the matter preceding  
20 subparagraph (A), by inserting “through 2020, in  
21 2022, and in 2024” after “annually thereafter”.

22 (d) UPDATE ON ACTIONS TAKEN BY SECRETARY OF  
23 HHS TO IMPLEMENT GAO RECOMMENDATION.—Section  
24 632(d) of the American Taxpayer Relief Act of 2012  
25 (Public Law 112–240; 126 Stat. 2354) is amended in the

1 first sentence by striking “December 31, 2015” and in-  
 2 serting “December 31, 2023”.

3 (e) REVIEW PANEL.—Section 399V–4(d)(2) of the  
 4 Public Health Service Act (42 U.S.C. 280g–15) is amend-  
 5 ed—

6 (1) in subparagraph (C), by striking “, or an  
 7 individual within the Government Accountability Of-  
 8 fice designated by the Comptroller General, shall”  
 9 and inserting “shall designate a member of the re-  
 10 view panel to”; and

11 (2) in subparagraph (D), by striking “Comp-  
 12 troller General” and inserting “Secretary”.

## 13 **PART II—GOVERNMENT ACCOUNTABILITY**

### 14 **OFFICE ACCESS AND OVERSIGHT**

#### 15 **SEC. 1851. SHORT TITLE.**

16 This part may be cited as the “GAO Access and Over-  
 17 sight Act of 2016”.

#### 18 **SEC. 1852. ACCESS TO CERTAIN INFORMATION.**

19 (a) ACCESS TO CERTAIN INFORMATION.—Subchapter  
 20 II of chapter 7 of title 31, United States Code, is amended  
 21 by adding at the end the following:

#### 22 **“§ 721. Access to certain information**

23 “(a) No provision of the Social Security Act, includ-  
 24 ing section 453(l) of that Act (42 U.S.C. 653(l)), shall  
 25 be construed to limit, amend, or supersede the authority

1 of the Comptroller General to obtain any information or  
2 to inspect any record under section 716 of this title.

3 “(b) The specific reference to a statute in subsection  
4 (a) shall not be construed to affect access by the Govern-  
5 ment Accountability Office to information under statutes  
6 that are not so referenced.”.

7 (b) AGENCY REPORTS.—Section 720(b) of title 31,  
8 United States Code, is amended—

9 (1) in the matter preceding paragraph (1), by  
10 inserting “or planned” after “action taken”; and

11 (2) by striking paragraph (1) and inserting the  
12 following:

13 “(1) the Committee on Homeland Security and  
14 Governmental Affairs of the Senate, the Committee  
15 on Oversight and Government Reform of the House  
16 of Representatives, the congressional committees  
17 with jurisdiction over the agency program or activity  
18 that is the subject of the recommendation, and the  
19 Government Accountability Office before the 61st  
20 day after the date of the report; and”.

21 (c) AUTHORITY TO OBTAIN RECORDS.—Section 716  
22 of title 31, United States Code, is amended in subsection  
23 (a)—

24 (1) by striking “(a)” and inserting “(2)”; and

1           (2) by inserting after the section heading the  
2 following:

3           “(a)(1) The Comptroller General is authorized to ob-  
4 tain such agency records as the Comptroller General re-  
5 quires to discharge the duties of the Comptroller General  
6 (including audit, evaluation, and investigative duties), in-  
7 cluding through the bringing of civil actions under this  
8 section. In reviewing a civil action under this section, the  
9 court shall recognize the continuing force and effect of the  
10 authorization in the preceding sentence until such time as  
11 the authorization is repealed pursuant to law.”.

12           (d) TECHNICAL AND CONFORMING AMENDMENT.—  
13 The table of sections for chapter 7 of title 31, United  
14 States Code, is amended by inserting after the item relat-  
15 ing to section 720 the following:

“721. Access to certain information.”.

16           **Subtitle I—Stopping Wasteful**  
17                                   **Federal Bonuses**

18           **SEC. 1901. SHORT TITLE.**

19           This subtitle may be cited as the “Stop Wasteful  
20 Federal Bonuses Act of 2016”.

21           **SEC. 1902. BONUSSES.**

22           (a) ADVERSE FINDINGS AND EMPLOYEES UNDER IN-  
23 VESTIGATION.—Chapter 45 of title 5, United States Code,  
24 is amended by adding at the end the following:

1       **“Subchapter IV—Limitations on Bonus**

2                       **Authority**

3       **“§ 4531. Certain forms of misconduct**

4               “(a) DEFINITIONS.—In this section:

5                       “(1) ADVERSE FINDING.—

6                               “(A) IN GENERAL.—The term ‘adverse  
7                               finding’ means a determination by the head of  
8                               the agency employing an employee that the con-  
9                               duct of the employee—

10                                       “(i) violated a policy of the agency for  
11                                       which the employee may be removed or  
12                                       suspended for a period of not less than 14  
13                                       days; or

14                                       “(ii) violated a law for which the em-  
15                                       ployee may be imprisoned for more than 1  
16                                       year.

17                               “(B) BASIS.—A determination described in  
18                               subparagraph (A) may be based on an inves-  
19                               tigation by, determination of, or information  
20                               provided by the Inspector General or another  
21                               senior ethics official of an agency or the Comp-  
22                               troller General of the United States, as part of  
23                               carrying out an activity, authority, or function  
24                               of the Inspector General, senior ethics official,



1 or Comptroller General, respectively, under a  
2 provision of law other than this section.

3 “(2) AGENCY.—The term ‘agency’ has the  
4 meaning given that term under section 551.

5 “(3) BONUS.—The term ‘bonus’ means any  
6 performance award or cash award under—

7 “(A) section 4505a;

8 “(B) section 5384; or

9 “(C) section 5754.

10 “(b) PROHIBITION.—The head of an agency shall not  
11 award a bonus to an employee of the agency until 5 years  
12 after the end of the fiscal year during which the head of  
13 an agency makes an adverse finding relating to the em-  
14 ployee.

15 “(c) AFTER BONUS AWARDED.—

16 “(1) IN GENERAL.—For a bonus awarded to an  
17 employee after the date of enactment of this section,  
18 if the head of the agency employing the employee  
19 makes an adverse finding relating to the employee  
20 during the year during which the bonus is awarded,  
21 the head of the agency, after notice and an oppor-  
22 tunity for a hearing, shall issue an order directing  
23 the employee to repay the amount of the bonus.

24 “(2) HEARINGS.—A hearing under this para-  
25 graph shall be conducted in accordance with regula-

1 tions relating to hearings promulgated by the head  
2 of the agency under chapter 75.

3 “(d) **CONDITION OF RECEIPT.**—As a condition of re-  
4 ceiving a bonus awarded after the date of enactment of  
5 this section, an employee of an agency shall sign a certifi-  
6 cation stating that the employee shall repay the bonus in  
7 accordance with a final order issued in accordance with  
8 subsection (e).

9 “(e) **APPEAL.**—An employee determined to be ineli-  
10 gible for a bonus under subsection (b) or against whom  
11 an order is issued under subsection (c) may appeal to the  
12 Merit Systems Protection Board under section 7701.”.

13 (b) **RULEMAKING.**—The head of each agency (as de-  
14 fined under title 551 of title 5, United States Code) may  
15 promulgate rules to carry out section 4531 of title 5,  
16 United States Code, as added by subsection (a).

17 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—  
18 The table of sections for chapter 45 of title 5, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

“4531. Certain forms of misconduct.”.

1                   **Subtitle J—Eliminating**  
 2                   **Government-funded Oil-paintings**

3   **SEC. 1921. SHORT TITLE.**

4           This subtitle may be cited as the “Eliminating Gov-  
 5   ernment-funded Oil-painting Act” or the “EGO Act”.

6   **SEC. 1922. PROHIBITION ON USE OF FUNDS FOR POR-**  
 7                   **TRAITS.**

8           (a) PROHIBITION.—No funds appropriated or other-  
 9   wise made available to the Federal Government may be  
 10   used to pay for the painting of a portrait of an officer  
 11   or employee of the Federal Government, including the  
 12   President, the Vice President, a Member of Congress, the  
 13   head of an executive agency, or the head of an office of  
 14   the legislative branch.

15          (b) DEFINITIONS.—In this section—

16               (1) the term “executive agency” has the mean-  
 17               ing given the term in section 133 of title 41, United  
 18               States Code; and

19               (2) the term “Member of Congress” includes a  
 20               Delegate or Resident Commissioner to Congress.

21                   **Subtitle K—Presidential Allowance**  
 22                   **Modernization**

23   **SEC. 1941. SHORT TITLE.**

24           This subtitle may be cited as the “Presidential Allow-  
 25   ance Modernization Act of 2016”.

1 **SEC. 1942. AMENDMENTS.**

2 (a) FORMER PRESIDENTS.—The first section of the  
3 Act entitled “An Act to provide retirement, clerical assist-  
4 ants, and free mailing privileges to former Presidents of  
5 the United States, and for other purposes”, approved Au-  
6 gust 25, 1958 (commonly known as the “Former Presi-  
7 dents Act of 1958”) (3 U.S.C. 102 note), is amended by  
8 striking the matter preceding subsection (e) and inserting  
9 the following:

10 “(a) IN GENERAL.—Each former President shall be  
11 entitled for the remainder of his or her life to receive from  
12 the United States—

13 “(1) an annuity at the rate of \$200,000 per  
14 year, subject to subsection (c); and

15 “(2) a monetary allowance at the rate of  
16 \$200,000 per year, subject to subsections (c) and  
17 (d).

18 “(b) DURATION; FREQUENCY.—

19 “(1) IN GENERAL.—The annuity and allowance  
20 under subsection (a) shall each—

21 “(A) commence on the day after the date  
22 on which an individual becomes a former Presi-  
23 dent;

24 “(B) terminate on the date on which the  
25 former President dies; and

1           “(C) be payable by the Secretary of the  
2           Treasury on a monthly basis.

3           “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

4           The annuity and allowance under subsection (a)  
5           shall not be payable for any period during which a  
6           former President holds an appointive or elective po-  
7           sition in or under the Federal Government to which  
8           is attached a rate of pay other than a nominal rate.

9           “(c) COST-OF-LIVING INCREASES.—Effective Decem-  
10          ber 1 of each year, each annuity and allowance under sub-  
11          section (a) that commenced before that date shall be in-  
12          creased by the same percentage by which benefit amounts  
13          under title II of the Social Security Act (42 U.S.C. 401  
14          et seq.) are increased, effective as of that date, as a result  
15          of a determination under section 215(i) of that Act (42  
16          U.S.C. 415(i)).

17          “(d) LIMITATION ON MONETARY ALLOWANCE.—

18                 “(1) IN GENERAL.—Notwithstanding any other  
19                 provision of this section, the monetary allowance  
20                 payable under subsection (a)(2) to a former Presi-  
21                 dent for any 12-month period—

22                         “(A) except as provided in subparagraph  
23                         (B), may not exceed the amount by which—

24                                 “(i) the monetary allowance that (but  
25                                 for this subsection) would otherwise be so

1 payable for such 12-month period, exceeds  
2 (if at all)

3 “(ii) the applicable reduction amount  
4 for such 12-month period; and

5 “(B) shall not be less than the amount de-  
6 termined under paragraph (4).

7 “(2) DEFINITION.—

8 “(A) IN GENERAL.—For purposes of para-  
9 graph (1), the term ‘applicable reduction  
10 amount’ means, with respect to any former  
11 President and in connection with any 12-month  
12 period, the amount by which—

13 “(i) the sum of—

14 “(I) the adjusted gross income  
15 (as defined in section 62 of the Inter-  
16 nal Revenue Code of 1986) of the  
17 former President for the most recent  
18 taxable year for which a tax return is  
19 available; and

20 “(II) any interest excluded from  
21 the gross income of the former Presi-  
22 dent under section 103 of such Code  
23 for such taxable year, exceeds (if at  
24 all)

1           “(ii) \$400,000, subject to subpara-  
2           graph (C).

3           “(B) JOINT RETURNS.—In the case of a  
4           joint return, subclauses (I) and (II) of subpara-  
5           graph (A)(i) shall be applied by taking into ac-  
6           count both the amounts properly allocable to  
7           the former President and the amounts properly  
8           allocable to the spouse of the former President.

9           “(C) COST-OF-LIVING INCREASES.—The  
10          dollar amount specified in subparagraph (A)(ii)  
11          shall be adjusted at the same time that, and by  
12          the same percentage by which, the monetary al-  
13          lowance of the former President is increased  
14          under subsection (c) (disregarding this sub-  
15          section).

16          “(3) DISCLOSURE REQUIREMENT.—

17                 “(A) DEFINITIONS.—In this paragraph—

18                         “(i) the terms ‘return’ and ‘return in-  
19                         formation’ have the meanings given those  
20                         terms in section 6103(b) of the Internal  
21                         Revenue Code of 1986; and

22                         “(ii) the term ‘Secretary’ means the  
23                         Secretary of the Treasury or the Secretary  
24                         of the Treasury’s delegate.

1           “(B) REQUIREMENT.—A former President  
2           may not receive a monetary allowance under  
3           subsection (a)(2) unless the former President  
4           discloses to the Secretary, upon the request of  
5           the Secretary, any return or return information  
6           of the former President or spouse of the former  
7           President that the Secretary determines is nec-  
8           essary for purposes of calculating the applicable  
9           reduction amount under paragraph (2) of this  
10          subsection.

11          “(C) CONFIDENTIALITY.—Except as pro-  
12          vided in section 6103 of the Internal Revenue  
13          Code of 1986 and notwithstanding any other  
14          provision of law, the Secretary may not, with  
15          respect to a return or return information dis-  
16          closed to the Secretary under subparagraph  
17          (B)—

18                 “(i) disclose the return or return in-  
19                 formation to any entity or person; or

20                 “(ii) use the return or return informa-  
21                 tion for any purpose other than to cal-  
22                 culate the applicable reduction amount  
23                 under paragraph (2).

24          “(4) INCREASED COSTS DUE TO SECURITY  
25          NEEDS.—With respect to the monetary allowance



1 that would be payable to a former President under  
2 subsection (a)(2) for any 12-month period but for  
3 the limitation under paragraph (1), the Adminis-  
4 trator of General Services, in coordination with the  
5 Director of the United States Secret Service, shall  
6 determine the amount of the allowance that is need-  
7 ed to pay the increased cost of doing business that  
8 is attributable to the security needs of the former  
9 President.”.

10 (b) SURVIVING SPOUSES OF FORMER PRESI-  
11 DENTS.—

12 (1) INCREASE IN AMOUNT OF MONETARY AL-  
13 LOWANCE.—Subsection (e) of the first section of the  
14 Former Presidents Act of 1958 is amended—

15 (A) in the first sentence, by striking  
16 “\$20,000 per annum,” and inserting “\$100,000  
17 per year (subject to paragraph (4)),”; and

18 (B) in the second sentence—

19 (i) in paragraph (2), by striking  
20 “and” at the end;

21 (ii) in paragraph (3)—

22 (I) by striking “or the govern-  
23 ment of the District of Columbia”;  
24 and

1 (II) by striking the period and  
2 inserting “; and”; and

3 (iii) by inserting after paragraph (3)  
4 the following:

5 “(4) shall, after its commencement date, be in-  
6 creased at the same time that, and by the same per-  
7 centage by which, annuities of former Presidents are  
8 increased under subsection (c).”.

9 (2) COVERAGE OF WIDOWER OF A FORMER  
10 PRESIDENT.—Subsection (e) of the first section of  
11 the Former Presidents Act of 1958, as amended by  
12 paragraph (1), is amended—

13 (A) by striking “widow” each place it ap-  
14 pears and inserting “widow or widower”; and

15 (B) by striking “she” and inserting “she  
16 or he”.

17 (c) SUBSECTION HEADINGS.—The first section of the  
18 Former Presidents Act of 1958 is amended—

19 (1) in subsection (e), by inserting after the sub-  
20 section enumerator the following: “WIDOWS AND  
21 WIDOWERS.—”;

22 (2) in subsection (f), by inserting after the sub-  
23 section enumerator the following: “DEFINITION.—”;  
24 and

1           (3) in subsection (g), by inserting after the sub-  
2           section enumerator the following: “AUTHORIZATION  
3           OF APPROPRIATIONS.—”.

4 **SEC. 1943. RULE OF CONSTRUCTION.**

5           Nothing in this subtitle or an amendment made by  
6 this subtitle shall be construed to affect—

7           (1) any provision of law relating to the security  
8           or protection of a former President or a member of  
9           the family of a former President; or

10          (2) funding, under the Former Presidents Act  
11          of 1958 or any other law, to carry out any provision  
12          of law described in paragraph (1).

13 **SEC. 1944. TRANSITION RULES.**

14          (a) **FORMER PRESIDENTS.**—In the case of any indi-  
15          vidual who is a former President on the date of enactment  
16          of this Act, the amendment made by section 1942(a) shall  
17          be applied as if the commencement date referred in sub-  
18          section (b)(1)(A) of the first section of the Former Presi-  
19          dents Act of 1958, as amended by section 1942(a), coin-  
20          cided with such date of enactment.

21          (b) **WIDOWS.**—In the case of any individual who is  
22          the widow of a former President on the date of enactment  
23          of this Act, the amendments made by section 1942(b)(1)  
24          shall be applied as if the commencement date referred to  
25          in subsection (e)(1) of the first section of the Former

1 Presidents Act of 1958, as amended by section  
2 1942(b)(1), coincided with such date of enactment.

3 **SEC. 1945. APPLICABILITY.**

4 For a former President receiving a monetary allow-  
5 ance under the Former Presidents Act of 1958 on the day  
6 before the date of enactment of this Act, the limitation  
7 under subsection (d)(1) of the first section of that Act,  
8 as amended by section 1942(a), shall apply to the mone-  
9 tary allowance of the former President, except to the ex-  
10 tent that the application of the limitation would prevent  
11 the former President from being able to pay the cost of  
12 a lease or other contract that is in effect on the day before  
13 the date of enactment of this Act and under which the  
14 former President makes payments using the monetary al-  
15 lowance, as determined by the Administrator of General  
16 Services.

17 **Subtitle L—Making Electronic**  
18 **Government Accountable**

19 **SEC. 1961. SHORT TITLE.**

20 This subtitle may be cited as the “Making Electronic  
21 Government Accountable By Yielding Tangible Effi-  
22 ciencies Act of 2016” or the “MEGABYTE Act of 2016”.

23 **SEC. 1962. OMB DIRECTIVE ON MANAGEMENT OF SOFT-**  
24 **WARE LICENSES.**

25 (a) DEFINITIONS.—In this section—

1           (1) the term “Director” means the Director of  
2 the Office of Management and Budget; and

3           (2) the term “Executive agency” has the mean-  
4 ing given that term in section 105 of title 5, United  
5 States Code.

6           (b) OMB DIRECTIVE.—The Director shall issue a di-  
7 rective to require the Chief Information Officer of each  
8 Executive agency to develop a comprehensive software li-  
9 censing policy, which shall—

10           (1) identify clear roles, responsibilities, and cen-  
11 tral oversight authority within the Executive agency  
12 for managing enterprise software license agreements  
13 and commercial software licenses; and

14           (2) require the Chief Information Officer of  
15 each Executive agency to—

16           (A) establish a comprehensive inventory,  
17 including 80 percent of software license spend-  
18 ing and enterprise licenses in the Executive  
19 agency, by identifying and collecting informa-  
20 tion about software license agreements using  
21 automated discovery and inventory tools;

22           (B) regularly track and maintain software  
23 licenses to assist the Executive agency in imple-  
24 menting decisions throughout the software li-  
25 cense management life cycle;

1 (C) analyze software usage and other data  
2 to make cost-effective decisions;

3 (D) provide training relevant to software  
4 license management;

5 (E) establish goals and objectives of the  
6 software license management program of the  
7 Executive agency; and

8 (F) consider the software license manage-  
9 ment life cycle phases, including the requisition,  
10 reception, deployment and maintenance, retire-  
11 ment, and disposal phases, to implement effec-  
12 tive decision-making and incorporate existing  
13 standards, processes, and metrics.

14 (c) REPORT ON SOFTWARE LICENSE MANAGE-  
15 MENT.—

16 (1) IN GENERAL.—Beginning in the first fiscal  
17 year beginning after the date of enactment of this  
18 Act, and in each of the following 5 fiscal years, the  
19 Chief Information Officer of each Executive agency  
20 shall submit to the Director a report on the financial  
21 savings or avoidance of spending that resulted from  
22 improved software license management.

23 (2) AVAILABILITY.—The Director shall make  
24 each report submitted under paragraph (1) pub-  
25 lically available.

1 **Subtitle M—Construction Con-**  
2 **sensus Procurement Improve-**  
3 **ment**

4 **SEC. 1981. SHORT TITLE.**

5 This subtitle may be cited as the “Construction Con-  
6 sensus Procurement Improvement Act of 2016”.

7 **SEC. 1982. CONGRESSIONAL FINDINGS.**

8 Congress makes the following findings:

9 (1) The acquisition procedures that are often  
10 used effectively to procure products and other forms  
11 of services are not always appropriate for procure-  
12 ment of design and construction services.

13 (2) Federal procurement officials often adopt  
14 contracting techniques from the private sector and  
15 have used those techniques effectively to procure  
16 products and services.

17 (3) Design-build is a procurement technique  
18 Federal officials have adopted from the private sec-  
19 tor that has worked well for procurement of design  
20 and construction services.

21 (4) The current statutory framework for de-  
22 sign-build could benefit from legislative refinement.

23 (5) Reverse auctions are another procurement  
24 technique Federal officials have adopted from the  
25 private sector and used successfully to award con-

1 tracts for the purchase of products that are commer-  
2 cially equivalent to commodities.

3 (6) Despite their success in other contexts, re-  
4 verse auctions are generally inappropriate for pro-  
5 curement of design and construction services, given  
6 the unique nature of each such project.

7 **SEC. 1983. DESIGN-BUILD CONSTRUCTION PROCESS IM-**  
8 **PROVEMENT.**

9 (a) CIVILIAN CONTRACTS.—

10 (1) IN GENERAL.—Section 3309(b) of title 41,  
11 United States Code, is amended to read as follows:

12 “(b) CRITERIA FOR USE.—

13 “(1) CONTRACTS WITH A VALUE OF AT LEAST  
14 \$750,000.—Two-phase selection procedures shall be  
15 used for entering into a contract for the design and  
16 construction of a public building, facility, or work  
17 when a contracting officer determines that the  
18 project has a value of \$750,000 or greater, as ad-  
19 justed for inflation in accordance with section 1908  
20 of this title.

21 “(2) CONTRACTS WITH A VALUE LESS THAN  
22 \$750,000.—For projects that a contracting officer de-  
23 termines have a value of less than \$750,000, the  
24 contracting officer shall make a determination  
25 whether two-phase selection procedures are appro-



1        piate for use for entering into a contract for the de-  
2        sign and construction of a public building, facility,  
3        or work when—

4                “(A) the contracting officer anticipates  
5                that 3 or more offers will be received for the  
6                contract;

7                “(B) design work must be performed be-  
8                fore an offeror can develop a price or cost pro-  
9                posal for the contract;

10               “(C) the offeror will incur a substantial  
11               amount of expense in preparing the offer; and

12               “(D) the contracting officer has considered  
13               information such as—

14                        “(i) the extent to which the project re-  
15                        quirements have been adequately defined;

16                        “(ii) the time constraints for delivery  
17                        of the project;

18                        “(iii) the capability and experience of  
19                        potential contractors;

20                        “(iv) the suitability of the project for  
21                        use of the two-phase selection procedures;

22                        “(v) the capability of the agency to  
23                        manage the two-phase selection process;  
24                        and

1                   “(vi) other criteria established by the  
2                   agency.”.

3           (2) ANNUAL REPORTS.—

4                   (A) IN GENERAL.—Not later than Novem-  
5                   ber 30 of 2017, 2018, 2019, 2020, and 2021,  
6                   the head of each agency shall compile an annual  
7                   report of each instance in which the agency  
8                   awarded a design-build contract pursuant to  
9                   section 3309 of title 41, United States Code,  
10                  during the fiscal year ending in such calendar  
11                  year, in which—

12                           (i) more than 5 finalists were selected  
13                           for phase-two requests for proposals; or

14                           (ii) the contract or order was awarded  
15                           without using two-phase selection proce-  
16                           dures.

17                   (B) PUBLIC AVAILABILITY.—The Director  
18                   of the Office of Management and Budget shall  
19                   facilitate public access to the reports, including  
20                   by posting them on a publicly available Internet  
21                   website. A notice of the availability of each re-  
22                   port shall be published in the Federal Register.

23           (b) GAO REPORTS.—Not later than 270 days after  
24           the deadline for the final reports required under sub-  
25           section (f) of section 3309 of title 41, United States Code,

1 as added by subsection (a)(1), the Comptroller General of  
2 the United States shall issue a report analyzing the com-  
3 pliance of the various Federal agencies with the require-  
4 ments of such section.

5 **SEC. 1984. PROHIBITION ON THE USE OF A REVERSE AUC-**  
6 **TION FOR THE AWARD OF A CONTRACT FOR**  
7 **DESIGN AND CONSTRUCTION SERVICES.**

8 (a) FINDING.—Congress finds that, in contrast to a  
9 traditional auction in which the buyers bid up the price,  
10 sellers bid down the price in a reverse auction.

11 (b) PROHIBITION.—Not later than 180 days after the  
12 date of the enactment of this Act, the Federal Acquisition  
13 Regulatory Council, in consultation with the Adminis-  
14 trator for Federal Procurement Policy, shall amend the  
15 Federal Acquisition Regulation to prohibit the use of re-  
16 verse auctions as part of the two-phase selection procedure  
17 for awarding contracts for construction and design serv-  
18 ices.

19 (c) DEFINITIONS.—For purposes of this section—

20 (1) the term “design and construction services”  
21 means—

22 (A) site planning and landscape design;

23 (B) architectural and engineering services  
24 (including surveying and mapping defined in  
25 section 1101 of title 40, United States Code);

1 (C) interior design;

2 (D) performance of substantial construc-  
3 tion work for facility, infrastructure, and envi-  
4 ronmental restoration projects;

5 (E) delivery and supply of construction  
6 materials to construction sites; or

7 (F) construction or substantial alteration  
8 of public buildings or public works; and

9 (2) the term “reverse auction” means, with re-  
10 spect to procurement by an agency—

11 (A) a real-time auction conducted through  
12 an electronic medium among 2 or more offerors  
13 who compete by submitting bids for a supply or  
14 service contract with the ability to submit re-  
15 vised lower bids at any time before the closing  
16 of the auction; and

17 (B) the award of the contract, delivery  
18 order, task order, or purchase order to the of-  
19 feror, in whole or in part, based on the price  
20 obtained through the auction process.

1           **TITLE II—ACCOUNTABILITY**  
 2                           **ENHANCEMENTS**  
 3   **Subtitle    A—Expanded    Whistle-**  
 4   **blower    Protections    for    Employ-**  
 5   **ees**

6   **SEC. 2101. SHORT TITLE.**

7           This subtitle may be cited as the “Dr. Chris Kirk-  
 8   patrick Whistleblower Protection Act of 2016”.

9                           **PART I—EMPLOYEES GENERALLY**

10   **SEC. 2121. DEFINITIONS.**

11           In this part—

12                   (1) the terms “agency” and “personnel action”  
 13           have the meanings given such terms under section  
 14           2302 of title 5, United States Code; and

15                   (2) the term “employee” means an employee  
 16           (as defined in section 2105 of title 5, United States  
 17           Code) of an agency.

18   **SEC. 2122. STAYS; PROBATIONARY EMPLOYEES.**

19           (a) **REQUEST BY SPECIAL COUNSEL.**—Section  
 20   1214(b)(1) of title 5, United States Code, is amended by  
 21   adding at the end the following:

22                   “(E) If the Merit Systems Protections Board grants  
 23   a stay under this subsection, the head of the agency em-  
 24   ploying the employee shall give priority to a request for  
 25   a transfer submitted by the employee.”.

1 (b) INDIVIDUAL RIGHT OF ACTION FOR PROBA-  
 2 TIONARY EMPLOYEES.—Section 1221 of title 5, United  
 3 States Code, is amended by adding at the end the fol-  
 4 lowing:

5 “(k) If the Merit Systems Protection Board grants  
 6 a stay to an employee in probationary status under sub-  
 7 section (c), the head of the agency employing the employee  
 8 shall give priority to a request for a transfer submitted  
 9 by the employee.”.

10 (c) STUDY REGARDING RETALIATION AGAINST PRO-  
 11 BATIONARY EMPLOYEES.—The Comptroller General of  
 12 the United States shall submit to the Committee on  
 13 Homeland Security and Governmental Affairs of the Sen-  
 14 ate and the Committee on Oversight and Government Re-  
 15 form of the House of Representatives a report discussing  
 16 retaliation against employees in probationary status.

17 **SEC. 2123. ADEQUATE ACCESS OF SPECIAL COUNSEL TO IN-**  
 18 **FORMATION.**

19 Section 1212(b) of title 5, United States Code, is  
 20 amended by adding at the end the following:

21 “(5) The Special Counsel, in carrying out this sub-  
 22 chapter, is authorized to—

23 “(A) have access to all records, reports, audits,  
 24 reviews, documents, papers, recommendations, or  
 25 other material available to the applicable agency

1 which relate to a matter within the jurisdiction or  
2 authority of the Special Counsel; and

3 “(B) request from any agency such information  
4 or assistance as may be necessary for carrying out  
5 the duties and responsibilities of the Special Counsel  
6 under this subchapter.”.

7 **SEC. 2124. PROHIBITED PERSONNEL PRACTICES.**

8 Section 2302(b) of title 5, United States Code, is  
9 amended—

10 (1) in paragraph (12), by striking “or” at the  
11 end;

12 (2) in paragraph (13), by striking the period at  
13 the end and inserting “; or”; and

14 (3) by inserting after paragraph (13) the fol-  
15 lowing:

16 “(14) access the medical record of another em-  
17 ployee for the purpose of retaliation for a disclosure  
18 or activity protected under paragraph (8) or (9).”.

19 **SEC. 2125. DISCIPLINE OF SUPERVISORS BASED ON RETAL-**  
20 **IATION AGAINST WHISTLEBLOWERS.**

21 (a) IN GENERAL.—Subchapter II of chapter 75 of  
22 title 5, United States Code, is amended by adding at the  
23 end the following:

1 **“§ 7515. Discipline of supervisors based on retaliation**  
2 **against whistleblowers**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘agency’ has the meaning given  
5 that term under section 2302;

6 “(2) the term ‘prohibited personnel action’  
7 means taking or failing to take an action in violation  
8 of paragraph (8), (9), or (14) of section 2302(b)  
9 against an employee of an agency; and

10 “(3) the term ‘supervisor’ means a supervisor,  
11 as defined under section 7103(a), who is employed  
12 by an agency, as defined under paragraph (1) of this  
13 subsection.

14 “(b) PROPOSED ADVERSE ACTIONS.—

15 “(1) IN GENERAL.—In accordance with para-  
16 graph (2), the head of an agency shall propose  
17 against a supervisor whom the head of that agency,  
18 an administrative law judge, the Merit Systems Pro-  
19 tection Board, the Office of Special Counsel, an ad-  
20 judicating body provided under a union contract, a  
21 Federal judge, or the Inspector General of the agen-  
22 cy determines committed a prohibited personnel ac-  
23 tion the following adverse actions:

24 “(A) With respect to the first prohibited  
25 personnel action, an adverse action that is not  
26 less than a 12-day suspension.



1           “(B) With respect to the second prohibited  
2 personnel action, removal.

3           “(2) PROCEDURES.—

4           “(A) NOTICE.—A supervisor against whom  
5 an adverse action under paragraph (1) is pro-  
6 posed is entitled to written notice.

7           “(B) ANSWER AND EVIDENCE.—

8           “(i) IN GENERAL.—A supervisor who  
9 is notified under subparagraph (A) that  
10 the supervisor is the subject of a proposed  
11 adverse action under paragraph (1) is enti-  
12 tled to 14 days following such notification  
13 to answer and furnish evidence in support  
14 of the answer.

15           “(ii) NO EVIDENCE.—After the end of  
16 the 14-day period described in clause (i), if  
17 a supervisor does not furnish evidence as  
18 described in clause (i) or if the head of the  
19 agency determines that such evidence is  
20 not sufficient to reverse the proposed ad-  
21 verse action, the head of the agency shall  
22 carry out the adverse action.

23           “(C) SCOPE OF PROCEDURES.—Para-  
24 graphs (1) and (2) of subsection (b) of section  
25 7513, subsection (c) of such section, para-

1           graphs (1) and (2) of subsection (b) of section  
2           7543, and subsection (c) of such section shall  
3           not apply with respect to an adverse action car-  
4           ried out under this subsection.

5           “(c) NO LIMITATION ON OTHER ADVERSE AC-  
6 TIONS.—With respect to a prohibited personnel action, if  
7 the head of the agency carries out an adverse action  
8 against a supervisor under another provision of law, the  
9 head of the agency may carry out an additional adverse  
10 action under this section based on the same prohibited  
11 personnel action.”.

12           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
13 The table of sections for subchapter II of chapter 75 of  
14 title 5, United States Code, is amended by adding at the  
15 end the following:

“7515. Discipline of supervisors based on retaliation against whistleblowers.”.

16 **SEC. 2126. SUICIDE BY EMPLOYEES.**

17           (a) REFERRAL.—The head of an agency shall refer  
18 to the Office of Special Counsel, along with any informa-  
19 tion known to the agency regarding the circumstances de-  
20 scribed in paragraphs (2) and (3), any instance in which  
21 the head of the agency has information indicating—

22           (1) an employee of the agency committed sui-  
23           cide;

1           (2) prior to the death of the employee, the em-  
2           ployee made any disclosure of information which rea-  
3           sonably evidences—

4                   (A) any violation of any law, rule, or regu-  
5           lation; or

6                   (B) gross mismanagement, a gross waste  
7           of funds, an abuse of authority, or a substantial  
8           and specific danger to public health or safety;  
9           and

10           (3) after a disclosure described in paragraph  
11           (2), a personnel action was taken against the em-  
12           ployee.

13           (b) OFFICE OF SPECIAL COUNSEL REVIEW.—For  
14 any referral to the Office of Special Counsel under sub-  
15 section (a), the Office of Special Counsel shall—

16                   (1) examine whether any personnel action was  
17           taken because of any disclosure of information de-  
18           scribed in subsection (a)(2); and

19                   (2) take any action the Office of Special Coun-  
20           sel determines appropriate under subchapter II of  
21           chapter 12 of title 5, United States Code.

22 **SEC. 2127. TRAINING FOR SUPERVISORS.**

23           In consultation with the Office of Special Counsel and  
24 the Inspector General of the agency (or senior ethics offi-  
25 cial of the agency for an agency without an Inspector Gen-

1 eral), the head of each agency shall provide training re-  
 2 garding how to respond to complaints alleging a violation  
 3 of whistleblower protections (as defined in section 2307  
 4 of title 5, United States Code, as added by section 2128)  
 5 available to employees of the agency—

6 (1) to employees appointed to supervisory posi-  
 7 tions in the agency who have not previously served  
 8 as a supervisor; and

9 (2) on an annual basis, to all employees of the  
 10 agency serving in a supervisory position.

11 **SEC. 2128. INFORMATION ON WHISTLEBLOWER PROTEC-**  
 12 **TIONS.**

13 (a) EXISTING PROVISION.—

14 (1) IN GENERAL.—Section 2302 of title 5,  
 15 United States Code, is amended—

16 (A) by striking subsection (c); and

17 (B) by redesignating subsections (d), (e),  
 18 and (f) as subsections (c), (d), and (e), respec-  
 19 tively.

20 (2) TECHNICAL AND CONFORMING AMEND-  
 21 MENTS.—

22 (A) Section 4505a(b)(2) of title 5, United  
 23 States Code, is amended by striking “section  
 24 2302(d)” and inserting “section 2302(c)”.

1 (B) Section 5755(b)(2) of title 5, United  
2 States Code, is amended by striking “section  
3 2302(d)” and inserting “section 2302(c)”.

4 (C) Section 110(b)(2) of the Whistleblower  
5 Protection Enhancement Act of 2012 (5 U.S.C.  
6 2302 note) is amended by striking “section  
7 2303(f)(1) or (2)” and inserting “section  
8 2303(e)(1) or (2)”.

9 (D) Section 704 of the Homeland Security  
10 Act of 2002 (6 U.S.C. 344) is amended by  
11 striking “2302(c)” each place it appears and  
12 inserting “2307”.

13 (E) Section 1217(d)(3) of the Panama  
14 Canal Act of 1979 (22 U.S.C. 3657(d)(3)) is  
15 amended by striking “section 2302(d)” and in-  
16 serting “section 2302(c)”.

17 (F) Section 1233(b) of the Panama Canal  
18 Act of 1979 (22 U.S.C. 3673(b)) is amended by  
19 striking “section 2302(d)” and inserting “sec-  
20 tion 2302(e)”.

21 (b) PROVISION OF INFORMATION.—Chapter 23 of  
22 title 5, United States Code, is amended by adding at the  
23 end the following:

24 **“§ 2307. Information on whistleblower protections**

25 “(a) DEFINITIONS.—In this section—

1           “(1) the term ‘agency’ has the meaning given  
2           that term in section 2302;

3           “(2) the term ‘new employee’ means an indi-  
4           vidual—

5                   “(A) appointed to a position as an em-  
6                   ployee of an agency on or after the date of en-  
7                   actment of the Dr. Chris Kirkpatrick Whistle-  
8                   blower Protection Act of 2016; and

9                   “(B) who has not previously served as an  
10                  employee; and

11           “(3) the term ‘whistleblower protections’ means  
12           the protections against and remedies for a prohibited  
13           personnel practice described in paragraph (8), sub-  
14           paragraph (A)(i), (B), (C), or (D) of paragraph (9),  
15           or paragraph (14) of section 2302(b).

16           “(b) RESPONSIBILITIES OF HEAD OF AGENCY.—The  
17           head of each agency shall be responsible for the prevention  
18           of prohibited personnel practices, for the compliance with  
19           and enforcement of applicable civil service laws, rules, and  
20           regulations, and other aspects of personnel management,  
21           and for ensuring (in consultation with the Special Counsel  
22           and the Inspector General of the agency) that employees  
23           of the agency are informed of the rights and remedies  
24           available to them under this chapter and chapter 12, in-  
25           cluding—

1           “(1) information regarding whistleblower pro-  
2           tections available to new employees during the pro-  
3           bationary period;

4           “(2) the role of the Office of Special Counsel  
5           and the Merit Systems Protection Board with regard  
6           to whistleblower protections; and

7           “(3) how to make a lawful disclosure of infor-  
8           mation that is specifically required by law or Execu-  
9           tive order to be kept classified in the interest of na-  
10          tional defense or the conduct of foreign affairs to the  
11          Special Counsel, the Inspector General of an agency,  
12          Congress, or other agency employee designated to  
13          receive such disclosures.

14          “(c) TIMING.—The head of each agency shall ensure  
15          that the information required to be provided under sub-  
16          section (b) is provided to each new employee of the agency  
17          not later than 6 months after the date the new employee  
18          is appointed.

19          “(d) INFORMATION ONLINE.—The head of each  
20          agency shall make available information regarding whistle-  
21          blower protections applicable to employees of the agency  
22          on the public website of the agency, and on any online  
23          portal that is made available only to employees of the  
24          agency if one exists.

1       “(e) DELEGEEES.—Any employee to whom the head  
2 of an agency delegates authority for personnel manage-  
3 ment, or for any aspect thereof, shall, within the limits  
4 of the scope of the delegation, be responsible for the activi-  
5 ties described in subsection (b).”.

6       (c) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of sections for chapter 23 of title 5, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

“2307. Information on whistleblower protections.”.

10   **PART II—DEPARTMENT OF VETERANS AFFAIRS**

11                                   **EMPLOYEES**

12   **SEC. 2141. PREVENTION OF UNAUTHORIZED ACCESS TO**  
13                                   **MEDICAL RECORDS OF EMPLOYEES OF THE**  
14                                   **DEPARTMENT OF VETERANS AFFAIRS.**

15       (a) DEVELOPMENT OF PLAN.—

16               (1) IN GENERAL.—Not later than 180 days  
17 after the date of the enactment of this Act, the Sec-  
18 retary of Veterans Affairs shall—

19                       (A) develop a plan to prevent access to the  
20 medical records of employees of the Department  
21 of Veterans Affairs by employees of the Depart-  
22 ment who are not authorized to access such  
23 records;



1 (B) submit to the appropriate committees  
2 of Congress the plan developed under subpara-  
3 graph (A); and

4 (C) upon request, provide a briefing to the  
5 appropriate committees of Congress with re-  
6 spect to the plan developed under subparagraph  
7 (A).

8 (2) ELEMENTS.—The plan required under  
9 paragraph (1) shall include the following:

10 (A) A detailed assessment of strategic  
11 goals of the Department for the prevention of  
12 unauthorized access to the medical records of  
13 employees of the Department.

14 (B) A list of circumstances in which an  
15 employee of the Department who is not a health  
16 care provider or an assistant to a health care  
17 provider would be authorized to access the med-  
18 ical records of another employee of the Depart-  
19 ment.

20 (C) Steps that the Secretary will take to  
21 acquire new or implement existing technology to  
22 prevent an employee of the Department from  
23 accessing the medical records of another em-  
24 ployee of the Department without a specific  
25 need to access such records.

1           (D) Steps the Secretary will take, includ-  
2           ing plans to issue new regulations, as necessary,  
3           to ensure that an employee of the Department  
4           may not access the medical records of another  
5           employee of the Department for the purpose of  
6           retrieving demographic information if that de-  
7           mographic information is available to the em-  
8           ployee in another location or through another  
9           format.

10           (E) A proposed timetable for the imple-  
11           mentation of such plan.

12           (F) An estimate of the costs associated  
13           with implementing such plan.

14           (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
15           FINED.—In this section, the term “appropriate commit-  
16           tees of Congress” means—

17           (1) the Committee on Homeland Security and  
18           Governmental Affairs and the Committee on Vet-  
19           erans’ Affairs of the Senate; and

20           (2) the Committee on Oversight and Govern-  
21           ment Reform and the Committee on Veterans’ Af-  
22           fairs of the House of Representatives.

1 **SEC. 2142. OUTREACH ON AVAILABILITY OF MENTAL**  
2 **HEALTH SERVICES AVAILABLE TO EMPLOY-**  
3 **EES OF THE DEPARTMENT OF VETERANS AF-**  
4 **FAIRS.**

5 The Secretary of Veterans Affairs shall conduct a  
6 program of outreach to employees of the Department of  
7 Veterans Affairs to inform those employees of any mental  
8 health services, including telemedicine options, that are  
9 available to them.

10 **SEC. 2143. PROTOCOLS TO ADDRESS THREATS AGAINST**  
11 **EMPLOYEES OF THE DEPARTMENT OF VET-**  
12 **ERANS AFFAIRS.**

13 The Secretary of Veterans Affairs shall ensure proto-  
14 cols are in effect to address threats from individuals re-  
15 ceiving health care from the Department of Veterans Af-  
16 fairs directed towards employees of the Department who  
17 are providing such health care.

18 **SEC. 2144. COMPTROLLER GENERAL OF THE UNITED**  
19 **STATES STUDY ON ACCOUNTABILITY OF**  
20 **CHIEFS OF POLICE OF DEPARTMENT OF VET-**  
21 **ERANS AFFAIRS MEDICAL CENTERS.**

22 The Comptroller General of the United States shall  
23 conduct a study to assess the reporting, staffing, account-  
24 ability, and chain of command structure of the Depart-  
25 ment of Veterans Affairs police officers at medical centers  
26 of the Department.

1 **Subtitle B—Enhanced Whistle-**  
2 **blower Protection for Con-**  
3 **tractor and Grantee Employees**

4 **SEC. 2201. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**  
5 **TION FOR CONTRACTOR AND GRANTEE EM-**  
6 **PLOYEES.**

7 (a) PROTECTION FOR EMPLOYEES OF GRANTEES  
8 AND SUBGRANTEES.—

9 (1) DEFENSE GRANTS.—Section 2409(a)(1) of  
10 title 10, United States Code, is amended by insert-  
11 ing “or personal services contractor” after “sub-  
12 grantee”.

13 (2) CIVILIAN GRANTS.—Section 4712(a)(1) of  
14 title 41, United States Code, is amended by striking  
15 “or grantee” and inserting “grantee, or subgrantee  
16 or personal services contractor”.

17 (b) PROHIBITION ON REIMBURSEMENT FOR LEGAL  
18 FEES ACCRUED IN DEFENSE AGAINST REPRISAL  
19 CLAIMS.—

20 (1) DEFENSE CONTRACTS.—Section 2324(k) of  
21 title 10, United States Code, is amended—

22 (A) by inserting “or subcontractor, or per-  
23 sonal services contractor” after “contractor”  
24 each place it appears;

1 (B) by inserting “or subcontract” after  
2 “contract” each place it appears; and

3 (C) in paragraph (1), by inserting “or to  
4 any other activity described in subparagraphs  
5 (A) through (C) of section 2409(a)(1) of this  
6 title” after “statute or regulation”.

7 (2) CIVILIAN CONTRACTS.—

8 (A) IN GENERAL.—Section 4310 of title  
9 41, United States Code, is amended—

10 (i) by inserting “or subcontractor, or  
11 personal services contractor” after “con-  
12 tractor” each place it appears;

13 (ii) by inserting “or subcontract”  
14 after “contract” each place it appears; and

15 (iii) in subsection (b)(1), by inserting  
16 “or to any other activity described in sec-  
17 tion 4712(a)(1) of this title” after “statute  
18 or regulation”.

19 (B) CONFORMING AMENDMENT.—Section  
20 4304(a)(15) of title 41, United States Code, is  
21 amended by inserting “or subcontractor, or per-  
22 sonal service contractor” after “contractor”.

23 (c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS  
24 AWARDED BEFORE EFFECTIVE DATE.—At the time of  
25 any major modification to a contract that was awarded

1 before the date of the enactment of this Act, the head of  
2 the contracting agency shall include in the contract a con-  
3 tract clause providing for the applicability of the amend-  
4 ments made by this section and section 827 of the Na-  
5 tional Defense Authorization Act for Fiscal Year 2013  
6 (Public Law 112–239; 126 Stat. 1833).

## 7           **Subtitle C—Office of Special** 8           **Counsel Reauthorization**

### 9   **SEC. 2301. SHORT TITLE.**

10           This subtitle may be cited as the “Office of Special  
11 Counsel Reauthorization Act of 2016”.

### 12   **SEC. 2302. ADEQUATE ACCESS OF SPECIAL COUNSEL TO IN-** 13           **FORMATION.**

14           Section 1212(b) of title 5, United States Code, is  
15 amended by adding at the end the following:

16           “(5)(A) The Special Counsel, in carrying out this  
17 subchapter—

18                   “(i) shall have timely access to all records, data,  
19 reports, audits, reviews, documents, papers, rec-  
20 ommendations, or other material available to the ap-  
21 plicable agency which relate to a matter within the  
22 jurisdiction or authority of the Special Counsel;

23                   “(ii) may request from any agency the informa-  
24 tion or assistance that may be necessary for the Spe-  
25 cial Counsel to carry out the duties and responsibil-

1       ities of the Special Counsel under this subchapter;  
2       and

3               “(iii) may require, during an investigation, re-  
4       view, or inquiry of an agency, any employee of the  
5       agency to provide to the Special Counsel any record  
6       or other information that relates to a matter within  
7       the jurisdiction or authority of the Special Counsel.

8       “(B)(i) A claim of common law privilege by an agen-  
9       cy, or an officer or employee of an agency, shall not pre-  
10      vent the Special Counsel from obtaining any material de-  
11      scribed in subparagraph (A)(i) with respect to the agency.

12      “(ii) The submission of material described in sub-  
13      paragraph (A)(i) by an agency to the Special Counsel may  
14      not be deemed to waive any assertion of privilege by the  
15      agency against a non-Federal entity or against an indi-  
16      vidual in any other proceeding.

17      “(iii) With respect to any record or other information  
18      made available to the Special Counsel by an agency under  
19      subparagraph (A), the Special Counsel may only disclose  
20      the record or information for a purpose that is in further-  
21      ance of any authority provided to the Special Counsel in  
22      this subchapter.

23      “(6) The Special Counsel shall submit to the Com-  
24      mittee on Homeland Security and Governmental Affairs  
25      of the Senate, the Committee on Oversight and Govern-

1 ment Reform of the House of Representatives, and each  
 2 committee of Congress with jurisdiction over the applica-  
 3 ble agency a report regarding any case of contumacy or  
 4 failure to comply with a request submitted by the Special  
 5 Counsel under paragraph (5)(A).”.

6 **SEC. 2303. PROHIBITED PERSONNEL PRACTICES; INFORMA-**  
 7 **TION ON WHISTLEBLOWER PROTECTIONS.**

8 Section 2302 of title 5, United States Code, is  
 9 amended—

10 (1) in subsection (a)(2)(A)—

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

13 (B) by redesignating clause (xii) as clause  
 14 (xiii); and

15 (C) by inserting after clause (xi) the fol-  
 16 lowing:

17 “(xii) for the purposes of paragraph (8) or  
 18 (9) of subsection (b), the accessing of a medical  
 19 record of the employee or applicant for employ-  
 20 ment; and”;

21 (2) in subsection (b)(9)(D), by inserting “, rule,  
 22 or regulation” after “order”; and

23 (3) by striking subsection (c) and inserting the  
 24 following:

25 “(c)(1) In this subsection—



1           “(A) the term ‘new employee’ means an indi-  
2           vidual—

3                   “(i) appointed to a position as an employee  
4                   on or after the date of enactment of the Office  
5                   of Special Counsel Reauthorization Act of 2016;  
6                   and

7                   “(ii) who has not previously served as an  
8                   employee; and

9           “(B) the term ‘whistleblower protections’ means  
10           the protections against and remedies for a prohibited  
11           personnel practice described in paragraph (8) or  
12           subparagraph (A)(i), (B), (C), or (D) of paragraph  
13           (9) of subsection (b).

14          “(2) The head of each agency shall be responsible  
15          for—

16                   “(A) preventing prohibited personnel practices;

17                   “(B) complying with and enforcing applicable  
18                   civil service laws, rules, and regulations, and other  
19                   aspects of personnel management; and

20                   “(C) ensuring, in consultation with the Special  
21                   Counsel and the Inspector General of the agency,  
22                   that employees of the agency are informed of the  
23                   rights and remedies available to the employees under  
24                   this chapter and chapter 12, including—

1           “(i) information with respect to whistle-  
2           blower protections available to new employees  
3           during a probationary period;

4           “(ii) the role of the Office of Special Coun-  
5           sel and the Merit Systems Protection Board  
6           with respect to whistleblower protections; and

7           “(iii) the means by which, with respect to  
8           information that is otherwise required by law or  
9           Executive order to be kept classified in the in-  
10          terest of national defense or the conduct of for-  
11          eign affairs, an employee may make a lawful  
12          disclosure of the information to—

13                   “(I) the Special Counsel;

14                   “(II) the Inspector General of an  
15                   agency;

16                   “(III) Congress; or

17                   “(IV) another employee of the agency  
18                   who is designated to receive such a diselo-  
19                   sure.

20          “(3) The head of each agency shall ensure that the  
21          information described in paragraph (2) is provided to each  
22          new employee of the agency not later than 180 days after  
23          the date on which the new employee is appointed.

24          “(4) The head of each agency shall make available  
25          information regarding whistleblower protections applicable

1 to employees of the agency on the public website of the  
2 agency and on any online portal that is made available  
3 only to employees of the agency, if such portal exists.

4 “(5) Any employee to whom the head of an agency  
5 delegates authority for any aspect of personnel manage-  
6 ment shall, within the limits of the scope of the delegation,  
7 be responsible for the activities described in paragraph  
8 (2).”.

9 **SEC. 2304. ADDITIONAL WHISTLEBLOWER PROVISIONS.**

10 (a) EXPLANATIONS FOR FAILURE TO TAKE AC-  
11 TION.—Section 1213 of title 5, United States Code, is  
12 amended—

13 (1) in subsection (b), by striking “15 days” and  
14 inserting “45 days”;

15 (2) in subsection (e)—

16 (A) in paragraph (1), by striking “Any  
17 such report” and inserting “Any report re-  
18 quired under subsection (c) or paragraph (5) of  
19 this subsection”;

20 (B) by striking paragraph (2) and insert-  
21 ing the following:

22 “(2) Upon receipt of any report that the  
23 head of an agency is required to submit under  
24 subsection (c), the Special Counsel shall review  
25 the report and determine whether—

1           “(A) the findings of the head of the  
2           agency appear reasonable; and

3           “(B) if the Special Counsel requires  
4           the head of the agency to submit a supple-  
5           mental report under paragraph (5), the re-  
6           ports submitted by the head of the agency  
7           collectively contain the information re-  
8           quired under subsection (d).”;

9           (C) in paragraph (3), by striking “agency  
10          report received pursuant to subsection (c) of  
11          this section” and inserting “report submitted to  
12          the Special Counsel by the head of an agency  
13          under subsection (c) or paragraph (5) of this  
14          subsection”; and

15          (D) by adding at the end the following:

16          “(5) If, after conducting a review of a report under  
17          paragraph (2), the Special Counsel concludes that the  
18          Special Counsel requires additional information or docu-  
19          mentation to determine whether the report submitted by  
20          the head of an agency is reasonable and sufficient, the  
21          Special Counsel may request that the head of the agency  
22          submit a supplemental report—

23                 “(A) containing the additional information or  
24                 documentation identified by the Special Counsel; and

1           “(B) which the head of the agency shall submit  
2           to the Special Counsel within a period of time speci-  
3           fied by the Special Counsel.”; and

4           (3) by striking subsection (h) and inserting the  
5           following:

6           “(h) The Special Counsel may not respond to any in-  
7           quiry or disclose any information about any person who  
8           makes a disclosure under this section except in accordance  
9           with section 552a or as required by any other provision  
10          of Federal law.”.

11          (b) RETALIATORY INVESTIGATIONS.—Section 1214  
12          of title 5, United States Code, is amended by adding at  
13          the end the following:

14          “(i) The Special Counsel may petition the Board to  
15          order corrective action, including fees, costs, or damages  
16          reasonably incurred by an employee due to an investiga-  
17          tion of the employee by an agency, if the investigation by  
18          an agency was commenced, expanded, or extended in retal-  
19          iation for a disclosure or protected activity described  
20          under section 2302(b)(8) or section 2302(b)(9)(A)(i), (B),  
21          (C), or (D), even if no personnel action, as defined under  
22          section 2302(a), is taken or not taken.”.

23          (c) SENSITIVE POSITIONS.—Section 7701 of title 5,  
24          United States Code, is amended—

1           (1) by redesignating subsection (k) as sub-  
2           section (l); and

3           (2) by inserting after subsection (j) the fol-  
4           lowing:

5           “(k)(1) The Board has authority to review on the  
6           merits an appeal by an employee or applicant for employ-  
7           ment of an action arising from a determination that the  
8           employee or applicant for employment is ineligible for a  
9           sensitive position if—

10           “(A) the sensitive position does not require a  
11           security clearance or access to classified information;  
12           and

13           “(B) such action is otherwise appealable.

14           “(2) In this subsection, the term ‘sensitive position’  
15           means a position designated as a sensitive position under  
16           Executive Order 10450 (5 U.S.C. 7311 note), or any suc-  
17           cessor thereto.”.

18           (d) PROTECTION OF WHISTLEBLOWERS AS CRITERIA  
19           IN PERFORMANCE APPRAISALS.—

20           (1) ESTABLISHMENT OF SYSTEMS.—Section  
21           4302 of title 5, United States Code, is amended—

22           (A) by redesignating subsections (b) and  
23           (c) as subsections (e) and (d), respectively; and

24           (B) by inserting after subsection (a) the  
25           following:

1       “(b)(1) The head of each agency, in consultation with  
2 the Director of the Office of Personnel Management and  
3 the Special Counsel, shall develop criteria that—

4               “(A) the head of the agency shall use as a crit-  
5 ical element for establishing the job requirements of  
6 a supervisory employee; and

7               “(B) promote the protection of whistleblowers.

8       “(2) The criteria required under paragraph (1) shall  
9 include principles for the protection of whistleblowers,  
10 such as the degree to which supervisory employees—

11               “(A) respond constructively when employees of  
12 the agency make disclosures described in subpara-  
13 graph (A) or (B) of section 2302(b)(8);

14               “(B) take responsible actions to resolve such  
15 disclosures; and

16               “(C) foster an environment in which employees  
17 of the agency feel comfortable making such disclo-  
18 sures to supervisory employees or other appropriate  
19 authorities.

20       “(3) In this subsection—

21               “(A) the term ‘agency’ means any entity the  
22 employees of which are covered by paragraphs (8)  
23 and (9) of section 2302(b), without regard to wheth-  
24 er any other provision of this section is applicable to  
25 the entity;

1           “(B) the term ‘supervisory employee’ means an  
2           employee who would be a supervisor, as defined in  
3           section 7103(a), if the agency employing the em-  
4           ployee was an agency for purposes of chapter 71;  
5           and

6           “(C) the term ‘whistleblower’ means an em-  
7           ployee who makes a disclosure described in section  
8           2302(b)(8).”.

9           (2) CRITERIA FOR PERFORMANCE APPRAIS-  
10          ALS.—Section 4313 of title 5, United States Code is  
11          amended—

12                 (A) in paragraph (4), by striking “and” at  
13                 the end;

14                 (B) in paragraph (5), by striking the pe-  
15                 riod at the end and inserting “; and”; and

16                 (C) by adding at the end the following:

17                         “(6) protecting whistleblowers, as described in  
18                         section 4302(b)(2).”.

19          (e) ANNUAL REPORT TO CONGRESS ON UNACCEPT-  
20          ABLE PERFORMANCE IN WHISTLEBLOWER PROTEC-  
21          TION.—

22                 (1) DEFINITIONS.—In this subsection, the  
23                 terms “agency” and “whistleblower” have the mean-  
24                 ings given the terms in section 4302(b)(3) of title 5,  
25                 United States Code, as amended by subsection (d).



1           (2) REPORT.—Each agency shall annually sub-  
2           mit to the Committee on Homeland Security and  
3           Governmental Affairs of the Senate, the Committee  
4           on Oversight and Government Reform of the House  
5           of Representatives, and each committee of Congress  
6           with jurisdiction over the agency a report that de-  
7           tails—

8                   (A) the number of performance appraisals,  
9                   for the year covered by the report, that deter-  
10                  mined that an employee of the agency failed to  
11                  meet the standards for protecting whistle-  
12                  blowers that were established under section  
13                  4302(b) of title 5, United States Code, as  
14                  amended by subsection (d);

15                  (B) the reasons for the determinations de-  
16                  scribed in subparagraph (A); and

17                  (C) each disciplinary or corrective action  
18                  taken by the agency in response to a determina-  
19                  tion under subparagraph (A).

20           (f) TECHNICAL AND CONFORMING AMENDMENT.—  
21           Section 4301 of title 5, United States Code, is amended,  
22           in the matter preceding paragraph (1), by striking “For  
23           the purpose of” and inserting “Except as otherwise ex-  
24           pressly provided, for the purpose of”.

1 **SEC. 2305. TERMINATION OF CERTAIN INVESTIGATIONS BY**  
2 **THE OFFICE OF SPECIAL COUNSEL.**

3 Section 1214(a) of title 5, United States Code, is  
4 amended—

5 (1) in paragraph (1)(D), in the first sentence,  
6 by inserting “other than a termination of an inves-  
7 tigation described in paragraph (6)(A)” after “inves-  
8 tigation of a prohibited personnel practice”; and

9 (2) by adding at the end the following:

10 “(6)(A) Not later than 30 days after receiving an al-  
11 legation of a prohibited personnel practice under para-  
12 graph (1), the Special Counsel may terminate an inves-  
13 tigation of the allegation without further inquiry or an op-  
14 portunity for the individual who submitted the allegation  
15 to respond if the Special Counsel determines that—

16 “(i) the same allegation, based on the same set  
17 of facts and circumstances had previously been—

18 “(I)(aa) made by the individual; and

19 “(bb) investigated by the Special Counsel;

20 or

21 “(II) filed by the individual with the Merit  
22 Systems Protection Board;

23 “(ii) the Special Counsel does not have jurisdic-  
24 tion to investigate the allegation; or

25 “(iii) the individual knew or should have known  
26 of the alleged prohibited personnel practice on or be-

1 fore the date that is 3 years before the date on  
2 which the Special Counsel received the allegation.

3 “(B) Not later than 30 days after the date on which  
4 the Special Counsel terminates an investigation under sub-  
5 paragraph (A), the Special Counsel shall provide a written  
6 notification to the individual who submitted the allegation  
7 of a prohibited personnel practice that states the basis of  
8 the Special Counsel for terminating the investigation.”.

9 **SEC. 2306. ALLEGATIONS OF WRONGDOING WITHIN THE OF-**  
10 **FICE OF SPECIAL COUNSEL.**

11 Section 1212 of title 5, United States Code, is  
12 amended by adding at the end the following:

13 “(i) The Special Counsel shall enter into at least 1  
14 agreement with the Inspector General of an agency under  
15 which—

16 “(1) the Inspector General shall—

17 “(A) receive, review, and investigate allega-  
18 tions of prohibited personnel practices or  
19 wrongdoing filed by employees of the Office of  
20 Special Counsel; and

21 “(B) develop a method for an employee of  
22 the Office of Special Counsel to directly com-  
23 municate with the Inspector General; and

24 “(2) the Special Counsel—

1           “(A) may not require an employee of the  
2           Office of Special Counsel to seek authorization  
3           or approval before directly contacting the In-  
4           specter General in accordance with the agree-  
5           ment; and

6           “(B) may reimburse the Inspector General  
7           for services provided under the agreement.”.

8 **SEC. 2307. REPORTING REQUIREMENTS.**

9           (a) ANNUAL REPORT.—Section 1218 of title 5,  
10 United States Code, is amended to read as follows:

11 **“§ 1218. Annual report**

12           “The Special Counsel shall submit to Congress, on  
13 an annual basis, a report on the activities of the Special  
14 Counsel, which shall include, for the year preceding the  
15 submission of the report—

16           “(1) the number, types, and disposition of alle-  
17 gations of prohibited personnel practices filed with  
18 the Special Counsel and the costs of resolving such  
19 allegations;

20           “(2) the number of investigations conducted by  
21 the Special Counsel;

22           “(3) the number of stays or disciplinary actions  
23 negotiated with agencies by the Special Counsel;

24           “(4) the number of subpoenas issued by the  
25 Special Counsel;

1           “(5) the number of instances in which the Spe-  
2           cial Counsel reopened an investigation after the Spe-  
3           cial Counsel had made an initial determination with  
4           respect to the investigation;

5           “(6) the actions that resulted from reopening  
6           investigations as described in paragraph (5);

7           “(7) the number of instances in which the Spe-  
8           cial Counsel did not make a determination before  
9           the end of the 240-day period described in section  
10          1214(b)(2)(A)(i) regarding whether there were rea-  
11          sonable grounds to believe that a prohibited per-  
12          sonnel practice had occurred, existed, or was to be  
13          taken;

14          “(8) a description of the recommendations and  
15          reports made by the Special Counsel to other agen-  
16          cies under this subchapter and the actions taken by  
17          the agencies as a result of the recommendations or  
18          reports;

19          “(9) the number of—

20                 “(A) actions initiated before the Merit Sys-  
21                 tems Protection Board, including the number of  
22                 corrective action petitions and disciplinary ac-  
23                 tion complaints initiated;

1           “(B) stays and extensions of stays ob-  
2           tained from the Merit Systems Protection  
3           Board; and

4           “(C) requests for enforcement of sub-  
5           poenas or requests for enforcement by the Merit  
6           Systems Protection Board described in section  
7           1212(b)(6);

8           “(10) the number of prohibited personnel prac-  
9           tice complaints that resulted in—

10           “(A) a favorable action for the complain-  
11           ant, organized by actions in—

12           “(i) complaints dealing with reprisals  
13           against whistleblowers; and

14           “(ii) all other complaints; and

15           “(B) a favorable outcome for the complain-  
16           ant, organized by outcomes in—

17           “(i) complaints dealing with reprisals  
18           against whistleblowers; and

19           “(ii) all other complaints;

20           “(11) the number of corrective actions that the  
21           Special Counsel required an agency to take after a  
22           finding by the Special Counsel of a prohibited per-  
23           sonnel practice, as defined in section 2302(b); and

24           “(12) the results for the Office of Special Coun-  
25           sel of any employee viewpoint survey conducted by

1 the Office of Personnel Management or any other  
2 agency.”.

3 (b) PUBLIC INFORMATION.—Section 1219(a)(1) of  
4 title 5, United States Code, is amended to read as follows:

5 “(1) a list of any noncriminal matters referred  
6 to the head of an agency under section 1213(c), to-  
7 gether with—

8 “(A) a copy of the information transmitted  
9 to the head of the agency under section  
10 1213(c)(1);

11 “(B) any report from the agency under  
12 section 1213(c)(1)(B) relating to the matter;

13 “(C) if appropriate, not otherwise prohib-  
14 ited by law, and consented to by the complain-  
15 ant, any comments from the complainant under  
16 section 1213(e)(1) relating to the matter; and

17 “(D) the comments or recommendations of  
18 the Special Counsel under paragraph (3) or (4)  
19 of section 1213(e);”.

20 **SEC. 2308. ESTABLISHMENT OF SURVEY PILOT PROGRAM.**

21 (a) IN GENERAL.—The Office of Special Counsel  
22 shall design and establish a pilot program under which  
23 the Office shall conduct, during the period beginning on  
24 October 1, 2017 and ending on September 30, 2018, a

1 survey of individuals who have filed a complaint or dislo-  
2 sure with the Office.

3 (b) PURPOSE.—The survey under subsection (a) shall  
4 be designed for the purpose of collecting information and  
5 improving service at various stages of a review or inves-  
6 tigation by the Office of Special Counsel.

7 (c) RESULTS.—The results of the survey under sub-  
8 section (a) shall be published in the annual report of the  
9 Office of Special Counsel.

10 (d) SUSPENSION OF OTHER SURVEYS.—During the  
11 period beginning on October 1, 2017 and ending on Sep-  
12 tember 30, 2018, section 13 of the Act entitled “An Act  
13 to reauthorize the Office of Special Counsel, and for other  
14 purposes”, approved October 29, 1994 (5 U.S.C. 1212  
15 note), shall have no force or effect.

16 **SEC. 2309. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Section 8(a)(2) of the Whistle-  
18 blower Protection Act of 1989 (5 U.S.C. 5509 note) is  
19 amended by striking “2003, 2004, 2005, 2006, and 2007”  
20 and inserting “2016 through 2021”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall take effect as though enacted on Sep-  
23 tember 30, 2015.





Calendar No. 505

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3011**

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**A BILL**

To improve the accountability, efficiency, transparency, and overall effectiveness of the Federal Government.

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JUNE 6, 2016

Read the second time and placed on the calendar