

## S 3011

### Bolster Accountability to Drive Government Efficiency and Reform Washington Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Government Operations and Politics

**Introduced:** May 26, 2016

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 505.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 505.

(Jun 6, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/3011>

### Sponsor

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**Name:** Sen. Johnson, Ron [R-WI]

**Party:** Republican • **State:** WI • **Chamber:** Senate

### Cosponsors

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*No cosponsors are listed for this bill.*

### Committee Activity

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*No committee referrals or activity are recorded for this bill.*

### Subjects & Policy Tags

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**Policy Area:**

Government Operations and Politics

## Related Bills

Bill	Relationship	Last Action
114 HR 4465	Related bill	<b>Dec 16, 2016:</b> Became Public Law No: 114-287.
114 HR 5687	Related bill	<b>Dec 16, 2016:</b> Became Public Law No: 114-301.
114 HR 6450	Related bill	<b>Dec 16, 2016:</b> Became Public Law No: 114-317.
114 S 795	Related bill	<b>Dec 14, 2016:</b> Became Public Law No: 114-261.
114 S 2834	Related bill	<b>Dec 9, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 722.
114 HR 5033	Related bill	<b>Dec 8, 2016:</b> Placed on the Union Calendar, Calendar No. 666.
114 HR 1777	Related bill	<b>Dec 5, 2016:</b> On motion to refer the bill and the accompanying veto message to the Committee on Oversight and Government Reform. Agreed to without objection. (consideration: CR H7178)
114 HR 5920	Related bill	<b>Nov 29, 2016:</b> Placed on the Union Calendar, Calendar No. 657.
114 S 2968	Related bill	<b>Sep 27, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 646.
114 HR 5690	Related bill	<b>Sep 22, 2016:</b> Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 640.
114 S 2849	Related bill	<b>Sep 21, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 638.
114 S 2509	Related bill	<b>Aug 30, 2016:</b> By Senator Johnson from Committee on Homeland Security and Governmental Affairs filed written report under authority of the order of the Senate of 07/14/2016. Report No. 114-304.
114 S 2964	Related bill	<b>Aug 30, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 576.
114 HR 4904	Related bill	<b>Jul 29, 2016:</b> Became Public Law No: 114-210.
114 HR 5199	Related bill	<b>Jul 14, 2016:</b> Placed on the Union Calendar, Calendar No. 535.
114 HR 4639	Related bill	<b>Jul 13, 2016:</b> Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 S 2340	Related bill	<b>Jul 8, 2016:</b> Held at the desk.
114 S 2375	Related bill	<b>Jul 6, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 544.
114 S 2450	Related bill	<b>Jul 6, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 545.
114 S 2133	Related bill	<b>Jun 30, 2016:</b> Became Public Law No: 114-186.
114 HR 2395	Related bill	<b>Jun 22, 2016:</b> Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 S 1073	Related bill	<b>May 9, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 456.
114 S 742	Related bill	<b>Mar 14, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 386.
114 HR 4180	Related bill	<b>Feb 9, 2016:</b> Placed on the Union Calendar, Calendar No. 320.

Bill	Relationship	Last Action
114 HR 598	Related bill	<b>Jan 19, 2016:</b> Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 350.
114 S 2128	Related bill	<b>Nov 30, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 305.
114 S 310	Related bill	<b>Jul 27, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 165.
114 S 282	Related bill	<b>Jun 24, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 127.
114 S 579	Related bill	<b>May 5, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 68.
114 HR 2003	Related bill	<b>Apr 23, 2015:</b> Referred to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
114 HR 1938	Related bill	<b>Apr 22, 2015:</b> Referred to the House Committee on Oversight and Government Reform.

## **Bolster Accountability to Drive Government Efficiency and Reform Washington Act of 2016**

This bill establishes a Federal Real Property Reform Board to reduce the federal government's civilian real property inventory and operating costs by identifying federal land and buildings to dispose of, consolidate, redevelop, or operate more efficiently. A Federal Property Council must ensure implementation of property management strategies.

The General Services Administration must establish a database of federal real property. The Office of Management and Budget (OMB) must submit to the Department Housing and Urban Development information about federal land or buildings that may be suitable for assistance to the homeless.

Whistleblower protections are extended to employees of federal personal services contractors.

### *Taxpayers Right-To-Know Act*

The OMB must publish a federal government program inventory that identifies authorizing statutes, performance assessments, finances, and beneficiaries for each federal government program for which there is more than \$1 million in annual budget authority.

### *Stopping Improper Payments to Deceased People Act*

The bill amends title II (Old Age, Survivors, and Disability Insurance Benefits) (OASDI) of the Social Security Act (SSAct) to require the Social Security Administration (SSA) to: (1) pay state or local governments for transcribing and transmitting death records to the SSA; and (2) provide cooperative arrangements with federal or state agencies for the use of SSA information regarding deceased individuals by agencies administering federally funded benefits, including carrying out tax administration or debt collection or investigating crimes. The bill amends the Improper Payments Elimination and Recovery Improvement Act of 2012 to require the OMB to issue guidance to improve death record data matching among federal, state, and local governments. The SSA must submit a plan to improve the accuracy and completeness of its death data.

### *Fraud Reduction and Data Analytics Act of 2016*

The OMB must establish: (1) guidelines for federal agencies to establish financial and administrative controls to detect fraud and prevent improper payments, and (2) a working group to submit a plan for a federal interagency library of data analytics to facilitate fraud prevention and recovery.

### *Getting Results through Enhanced Accountability and Transparency Act of 2016*

The Government Accountability Office's (GAO's) annual report on its routine investigations to identify duplicative programs, agencies, offices, and initiatives must aggregate separately GAO estimates of related costs for instances of actual and potential unnecessary duplication and other potential cost savings and revenue collection. Chief operating officers, agencies' systemic operations reviews, and performance plans must consider improvements to coordination within and among agencies.

The OMB's: (1) federal government performance plan must address management challenges concerning unnecessary duplication; and (2) priority goals for the government must include mission support for financial, human capital, information technology, procurement, and real estate management. Performance improvement officers must advise

agencies on performance evaluation and risk management. The Performance Improvement Council must work to: (1) resolve government-wide issues relating to coordination and unnecessary duplication; (2) facilitate exchanges of performance improvement practices with states, local governments, and other nonfederal stakeholders; and (3) coordinate with interagency mission support councils.

#### *Administrative Leave Act of 2016*

Agencies are: (1) prohibited from placing an employee in administrative leave for more than five consecutive days, and (2) required to record administrative leave separately from other types of leave.

In lieu of administrative leave, agencies may place an employee in investigative or notice leave if the employee is under investigation or the target of an adverse action and if the continued presence of the employee in the workplace may pose a threat or cause loss of, or damage to, government property. An agency must consider other options, including reassigning the employee, allowing the employee to telework or take available leave, or treating the employee as absent without leave.

Agencies may grant leave to employees who cannot report to work due to an act of God, a terrorist attack, or another condition that prevents them from safely traveling to or performing work at an approved location.

#### *Inspector General Empowerment Act of 2016*

The Inspector General Act of 1978 is amended to establish procedures for: (1) the President to place inspectors general in a paid or unpaid nonduty status if their presence may pose a threat to others, result in damage to federal property, or jeopardize government interests; (2) inspectors general to subpoena the attendance and testimony of federal government contractors and grantees; (3) inspectors general to be exempt from procedures that require agreements between agencies for computerized comparisons of automated federal records systems; (4) the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to mediate disputes involving multiple federal agencies; and (5) the CIGIE's Integrity Committee to consider allegations of wrongdoing against a Special Counsel or Deputy Special Counsel.

The Attorney General or the Secretaries of Defense, the Treasury, Homeland Security, or Energy may prohibit inspectors general from accessing certain sensitive or national security information.

#### *Inspector General Mandates Reporting Act of 2016*

The CIGIE must recommend modifications or repeals of inspectors general reporting requirements.

#### *GAO Mandates Revision Act of 2016*

The bill eliminates or modifies various GAO reporting requirements.

#### *GAO Access and Oversight Act of 2016*

The GAO may obtain federal agency records required to discharge its audit, evaluation, and investigative duties, including through bringing civil actions to require an agency to produce a record. Agency statements on actions taken or planned in response to GAO recommendations must be submitted to Congress and the GAO.

#### *Stop Wasteful Federal Bonuses Act of 2016*

The bill prohibits a federal agency from awarding a bonus to any employee for five years after the end of a fiscal year in

which the agency makes an adverse finding that the employee's conduct violated: (1) an agency policy for which the employee may be removed or suspended for at least 14 days, or (2) a law for which the employee may be imprisoned for more than one year. An agency must order an employee to repay a bonus awarded in any year in which such a finding is made.

#### *Eliminating Government-funded Oil-painting Act or the EGO Act*

The bill prohibits the use of federal funds to pay for an official portrait of a federal officer or employee, including the President, the Vice President, or a Member of Congress.

#### *Presidential Allowance Modernization Act of 2016*

The bill allows former Presidents a lifetime annual annuity of \$200,000 and an additional annual monetary allowance of \$200,000, with annual cost-of-living increases, and reduces such allowance by the amount by which the former President's adjusted gross income in a taxable year exceeds \$400,000. The annuity and allowance shall not be payable for any period during which a former President holds an appointive or elective federal position that pays more than a nominal rate.

The annuity of a surviving spouse of a former President is increased to \$100,000.

#### *Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016 or the MEGABYTE Act of 2016*

The OMB must require the chief information officer of each executive agency to develop a comprehensive software licensing policy for software inventories, tracking, costs, management training, and life-cycle phases.

#### *Construction Consensus Procurement Improvement Act of 2016*

Federal contracting officers soliciting civilian contract offers for the design and construction of public buildings, facilities, or works must use two-phase selection procedures when a project has a value of \$750,000 or greater.

The Federal Acquisition Regulatory Council must amend the Federal Acquisition Regulation to prohibit, as part of the two-phase selection procedure for awarding contracts for construction and design services, the use of a reverse auction, which is defined as a real-time auction conducted through an electronic medium among at least two offerors who compete by submitting bids with the ability to submit revised lower bids before the auction closes.

#### *Dr. Chris Kirkpatrick Whistleblower Protection Act of 2016*

The bill directs federal agencies to give priority to a request for a transfer submitted by an employee if the Merit Systems Protection Board (MSPB) grants a stay of a personnel action at the request of: (1) the Office of Special Counsel (OSC) if it determines the personnel action was a result of a prohibited personnel practice; or (2) an employee in probationary status who seeks corrective action.

Federal employees with authority over personnel actions are prohibited from accessing the medical records of another employee or applicant in retaliation for protected disclosures or exercise of whistleblower rights.

The bill establishes a process for the suspension or removal of federal supervisors who commit certain prohibited personnel actions against whistleblowers. Supervisors must be trained to respond to complaints alleging a violation of whistleblower protections.

Agencies must refer employee suicides to the OSC if the employee made certain whistleblower disclosures and a personnel action was taken against the employee.

The Department of Veterans Affairs (VA) must submit a plan to prevent unauthorized access to the medical records of VA employees.

#### *Office of Special Counsel Reauthorization Act of 2016*

The bill amends the Whistleblower Protection Act of 1989 to reauthorize the OSC through FY2021.

The bill extends to 45 days the period for the OSC to determine whether information it receives from an employee or applicant discloses: (1) a violation of a law, rule, or regulation; or (2) gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety. The OSC may petition the MSPB to order corrective action if an agency's investigation was in retaliation for certain employee disclosures or protected activities, even if no personnel action is taken.

The MSPB may review appeals from a determination that an employee or applicant is ineligible for a sensitive position if the sensitive position does not require a security clearance or access to classified information.

Whistleblower protections must be incorporated into: (1) supervisory employee job requirements, and (2) performance appraisals in the Senior Executive Service.

The OSC must provide for inspectors general from other agencies to receive and investigate allegations of OSC wrongdoings.

#### **Actions Timeline**

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- **Jun 6, 2016:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 505.
- **May 26, 2016:** Introduced in Senate
- **May 26, 2016:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.