

S 582

Office of Special Counsel Reauthorization Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Mar 8, 2017

Current Status: Referred to the House Committee on Oversight and Government Reform.

Latest Action: Referred to the House Committee on Oversight and Government Reform. (Aug 4, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/582>

Sponsor

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

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

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Mar 8, 2017
Sen. McCaskill, Claire [D-MO]	D · MO		Mar 8, 2017
Sen. Daines, Steve [R-MT]	R · MT		Mar 9, 2017
Sen. Wyden, Ron [D-OR]	D · OR		Mar 21, 2017

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	May 18, 2017
Oversight and Government Reform Committee	House	Referred To	Aug 4, 2017

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
115 HR 2195	Related bill	Jul 28, 2017: Placed on the Union Calendar, Calendar No. 193.

Office of Special Counsel Reauthorization Act of 2017

(Sec. 2) The Office of Special (OSC) is an independent investigative and prosecutorial agency that protects federal employees from retaliation for whistle-blower disclosures and prohibited personnel practices.

This bill expands the scope of OSC's authority by authorizing it: (1) to have timely access to material that relates to an investigation involving whistle-blower disclosures and prohibited personnel practices, (2) to request from any agency information or assistance necessary for it to carry out its duties, and (3) to require an agency to provide it with any record or other information that relates to an investigation, review, or inquiry. This new OCS authority shall not apply to any entity that is an element of the intelligence community, unless the OSC is investigating or carrying out activities relating to certain enforcement actions. A claim of common law privilege by an agency, or an agency employee, shall not prevent the OSC from obtaining such materials.

(Sec. 3) Agencies must inform their employees of: (1) whistle-blower protections available to new employees during a probationary period, (2) the role of the OSC and the Merit Systems Protection Board (MSPB), and (3) appeal rights. Agency websites must contain whistle-blower protection information. Supervisory training is authorized with respect to employee complaints alleging a violation of whistle-blower protections.

(Sec. 4) The accessing of the medical record of another employee as a part of, or otherwise in furtherance of, any prohibited personnel practices is itself a prohibited personnel practice.

The bill extends 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 commenced, expanded, or extended in retaliation for certain employee disclosures or protected activities, even if no personnel action is taken.

(Sec. 5) The head of an agency shall refer to the OSC for examination and appropriate action any instance where a whistle-blower has committed suicide

(Sec. 6) Whistle-blower protections must be incorporated into supervisory employee job requirements and performance appraisals in the Senior Executive Service.

Agencies must report annually to Congress on the number of supervisor performance appraisals in which supervisors were found to have unacceptable performance ratings under whistle-blower protection criteria.

(Sec. 7) The bill authorizes discipline against supervisors based on retaliation against whistle-blowers.

(Sec. 8) The OSC may terminate an investigation of an alleged prohibited personnel practice under certain circumstances, without further inquiry or an opportunity for the individual who submitted the allegation to respond, if: (1) the same allegation had previously been made by the individual and was investigated by the OSC or filed by the individual with the MSPB, (2) the OSC does not have jurisdiction, or (3) the individual knew or should have known of the alleged practice three years before the OSC received the allegation.

(Sec. 9) The OSC must enter into at least one agreement with an agency inspector general to receive, review, and

investigate complaints by OSC employees. OSC employees may communicate directly with such inspector general without prior approval from the OSC.

(Sec. 10) The bill expands the OSC's annual reporting requirements to require additional information on investigations, disciplinary actions, subpoenas, and other matters.

If an allegation submitted to the OSC is resolved by an agreement between an agency and an individual, the OSC shall report to Congress on the agreement.

(Sec. 11) The OSC shall design and establish a pilot program under which it shall conduct a survey of individuals who have filed a complaint or disclosure with the OSC.

(Sec. 12) The OSC must prescribe regulations for carrying out its functions within two years after enactment of this bill.

(Sec. 13) The bill amends the Whistleblower Protection Act of 1989 to reauthorize the OSC through FY2022.

Actions Timeline

- **Aug 4, 2017:** Received in the House.
- **Aug 4, 2017:** Referred to the House Committee on Oversight and Government Reform.
- **Aug 2, 2017:** Message on Senate action sent to the House.
- **Aug 1, 2017:** Measure laid before Senate by unanimous consent. (consideration: CR S4687-4694)
- **Aug 1, 2017:** The committee amendments agreed to by Unanimous Consent.
- **Aug 1, 2017:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.
- **Aug 1, 2017:** Passed Senate with amendments by Unanimous Consent.
- **May 18, 2017:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with amendments. With written report No. 115-74.
- **May 18, 2017:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 93.
- **Mar 15, 2017:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment favorably.
- **Mar 8, 2017:** Introduced in Senate
- **Mar 8, 2017:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.