

CLARIFYING ELIGIBILITY OF
LAND MANAGEMENT AGENCY
TIME-LIMITED EMPLOYEES FOR
PERMANENT APPOINTMENTS

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4906) to amend title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.

Section 9602 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency” and inserting “such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency”; and

(2) in subsection (d) by inserting “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. RUSSELL) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Land Management Workforce Flexibility Act enacted last year removed a barrier to the career advancement opportunities of long-serving temporary and seasonal employees of land management agencies across the Federal Government.

I want to thank my friend from Virginia (Mr. CONNOLLY) for his companion work in the Committee on Oversight and Government Reform. I am proud to not only support it, but I authored a similar measure in the national defense authorization.

The bill we are considering today makes a technical correction that is

necessary due to recent guidance of the Office of Personnel Management, or OPM. H.R. 4906 clarifies that Congress intended to remove restrictions on temporary seasonal employees that would otherwise hinder their ability to compete for merit promotion vacancies open to other Federal employees.

Seasonal work of land management agencies is accomplished by a mix of both permanent and temporary employees. Before the Land Management Workforce Flexibility Act, regardless of how many seasons served, temporary employees could not compete for permanent jobs under the merit promotion procedures available to other Federal employees. Under the bill enacted last year, long-serving temporary employees were given this opportunity, and their employing agencies are provided with better applicant pools as a result.

For instance, experienced seasonal wildland firefighters are well qualified for permanent leadership roles within agencies that work to combat wildfires. Mr. Speaker, the Land Management Workforce Flexibility Act recognized their service as employees and afforded them opportunities for promotion.

However, recent guidance from the Office of Personnel Management severely limits temporary employees’ ability to compete for permanent jobs. OPM’s guidance declares temporary employees eligible to compete for permanent jobs only in situations where the hiring agency plans to prepare a list of candidates under merit promotion procedures and accepts applications only from individuals inside its own workforce.

This bill today makes a technical correction to clarify the temporary seasonal employees of land management agencies are eligible for the same opportunities for consideration under merit promotion procedures that apply to other Federal employees.

The bill also makes clear that eligible former employees are deemed to be employees of the agency from which they were most recently separated for instances where the position is limited to employees of the hiring agency.

Mr. Speaker, this straightforward bill will help to establish a more effective, efficient, and qualified Federal workforce.

I thank the ranking member of the Subcommittee on Government Operations, my friend, the gentleman from Virginia (Mr. CONNOLLY), for authoring this key legislation.

I would also like to highlight the great work of the chairman of the Subcommittee on Government Operations, the gentleman from North Carolina (Mr. MEADOWS), who is an original cosponsor of H.R. 4906 and cares deeply about remedying this situation.

I support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONNOLLY. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend and colleague from Oklahoma for his leadership and his support on this important bill.

Mr. Speaker, I rise in strong support of a bipartisan bill, H.R. 4906, which I am pleased to cosponsor with Chairman MEADOWS of the Government Operations Subcommittee.

This simple bill makes, as my friend indicated, a technical correction to bipartisan legislation known as the Land Management Workforce Flexibility Act, on which I was pleased to work with the committee in passing into law just last year. That bill originally passed the House by a voice vote and then went on to pass the Senate by unanimous consent. As my colleagues will recall, that bill was intended to give temporary seasonal employees an opportunity to compete for permanent full-time employment within all agencies across the entire Federal Government.

Merit promotion procedures provide an important career advancement path for Federal employees, and many nonentry-level jobs are filled using this process. Yet, no matter how long an individual has served, temporary seasonal employees never get access to merit promotion procedures.

Now, who are those people? Those are men and women on the front line of wildfires in the West, who put their lives on the line to contain forest fires during the fire season out west—dangerous work, arduous work. We are simply trying to give them a fair shake, a fair shake that is available to all other Federal employees. This was intended to put them on an equal footing for vacant jobs in the civil service, including permanent seasonal jobs.

God knoweth why, but the Office of Personnel Management recently issued guidance to the agency, based on a narrow reading never intended by our committee or by this Congress, of the legislative language that would actually limit the positions to which these temporary employees may apply to just those within the current agency. That was never the intent of this Congress, and I, frankly, feel, if you looked at the legislative history both in committee and on the floor, that would have been clear.

Our bill, which reflects a collaborative effort with the majority and minority, as well as with OPM and employee groups such as the National Federation of Federal Employees, clarifies the intent, I hope, once and for all.

The barrier to merit promotion faced by our temporary seasonal employees demoralizes the dedicated and courageous corps that serves in land management agencies, contributes to increased attrition, and ultimately leads to higher training costs and a less-experienced, capable workforce.

Last year, Mr. Speaker, a record 10 million acres burned across these United States, about 4 million more than average. In Arizona alone, 294 fires burned in the first quarter of this

year, double that of the same period last year. Our country cannot afford to degrade its wildland firefighting and emergency response capabilities.

An individual that successfully competes for a vacant permanent position—we are not creating new ones—under the clarified intent of this bill would, upon appointment, become a career-conditional employee—unless the employee had otherwise completed service requirements for career tenure—and acquire competitive status upon appointment.

H.R. 4906 defines land management agencies to include the Forest Service, Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Reclamation, and Bureau of Indian Affairs.

The legislative fix will finally give temporary seasonal firefighters and other land management temporary seasonal employees the chance to compete for vacant permanent positions, seasonal or full-time, under the same merit promotion procedures available to other Federal employees.

Last year, I stated that our bipartisan bill was consistent with OPM's support for the concept that "long-term temporaries who have demonstrated their abilities on the job should not have to compete with the public for permanent vacancies."

Despite their misinterpretation of H.R. 1531, the original land management bill, I remain confident OPM still supports that sentiment.

In closing, I strongly urge my colleagues to support the bipartisan Land Management Workforce Flexibility Act, ensuring that our Nation's hard-working, temporary, seasonal employees may compete to serve the American people on a permanent basis, if they so choose. That will improve government efficiency and effectiveness and, I believe, provide a safety valve when it comes to the fire season out west. But it is simply the right thing to do, in the final analysis, on behalf of this dedicated workforce.

Mr. Speaker, I yield back the balance of my time.

Mr. RUSSELL. Mr. Speaker, I urge the adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 4906.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUSSELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1700

MAKING ELECTRONIC GOVERNMENT ACCOUNTABLE BY YIELDING TANGIBLE EFFICIENCIES ACT OF 2016

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4904) to require the Director of the Office of Management and Budget to issue a directive on the management of software licenses, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016" or the "MEGABYTE Act of 2016".

SEC. 2. OMB DIRECTIVE ON MANAGEMENT OF SOFTWARE LICENSES.

(a) DEFINITION.—In this section—

(1) the term "Director" means the Director of the Office of Management and Budget; and

(2) the term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(b) OMB DIRECTIVE.—The Director shall issue a directive to require the Chief Information Officer of each executive agency to develop a comprehensive software licensing policy, which shall—

(1) identify clear roles, responsibilities, and central oversight authority within the executive agency for managing enterprise software license agreements and commercial software licenses; and

(2) require the Chief Information Officer of each executive agency to—

(A) establish a comprehensive inventory, including 80 percent of software license spending and enterprise licenses in the executive agency, by identifying and collecting information about software license agreements using automated discovery and inventory tools;

(B) regularly track and maintain software licenses to assist the executive agency in implementing decisions throughout the software license management life cycle;

(C) analyze software usage and other data to make cost-effective decisions;

(D) provide training relevant to software license management;

(E) establish goals and objectives of the software license management program of the executive agency; and

(F) consider the software license management life cycle phases, including the requisition, reception, deployment and maintenance, retirement, and disposal phases, to implement effective decisionmaking and incorporate existing standards, processes, and metrics.

(c) REPORT ON SOFTWARE LICENSE MANAGEMENT.—

(1) IN GENERAL.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each of the following 5 fiscal years, the Chief Information Officer of each executive agency shall submit to the Director a report on the financial savings or avoidance of spending that resulted from improved software license management.

(2) AVAILABILITY.—The Director shall make each report submitted under paragraph (1) publically available.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Oklahoma (Mr. RUSSELL) and the gentleman from Pennsylvania (Mr. CARTWRIGHT) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Pennsylvania (Mr. CARTWRIGHT) on the Oversight and Government Reform Committee for introducing H.R. 4904, the Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016, or the MEGABYTE Act of 2016, to improve the Federal Government's management of software licenses. I am a proud cosponsor of this straightforward legislation.

Importantly, this bill is the House companion to Senator CASSIDY's own MEGABYTE Act, S. 2340, and I am glad to see this proposal has found bipartisan support in both Chambers and has moved forward.

H.R. 4904 requires the Chief Information Officer for each Federal agency to maintain a software license inventory as well as analyze the use of software to inform decisionmaking.

Mr. Speaker, the Government Accountability Office has expressed repeated concerns on software license management and its costs. In fact, the Government Accountability Office, or GAO, listed IT software license management as a potential cost savings area on its 2015 duplication report. In our never-ending effort to cut waste, I agree with the GAO that it believes implementing sound, comprehensive software management policies has already achieved at least \$250 million in savings to the Federal Government. But there is more work to be done. There are other savings that the government could and should be capturing.

A 2014 GAO report found that only 2 of 24 major agencies had comprehensive software licensing policies in place. In fact, only 2 of the 24 agencies had comprehensive license inventories. Agencies cannot effectively manage the software licenses they have if they don't know what they have in the first place.

Maintaining a thorough inventory is vital to ensure that agencies make cost-effective decisions with respect to software licensing and avoid duplicative measures.

The MEGABYTE Act will force agencies to focus on their software license policies and their inventories, leading to savings to the American taxpayer. These are straightforward steps that should already be happening, and this bill ensures that they will.