

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4361) TO AMEND SECTION 3554 OF TITLE 44, UNITED STATES CODE, TO PROVIDE FOR ENHANCED SECURITY OF FEDERAL INFORMATION SYSTEMS, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

JULY 5, 2016.—Referred to the House Calendar and ordered to be printed

Mr. WOODALL, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 803]

The Committee on Rules, having had under consideration House Resolution 803, by a record vote of 8 to 1, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4361, the Federal Information Systems Safeguards Act of 2016, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-59 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that it shall be in order at any time on the legislative day of July 7, 2016, or July 8, 2016, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the Federal Aviation Administration.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Oversight and Government Reform was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 197

Motion by Mr. Cole to report the rule. Adopted: 8–1

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida
Mr. Burgess	Yea	Mr. Polis
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Palmer (AL): MANAGER’S Makes technical and conforming changes to the bill. (10 minutes)

2. Posey (FL): Establishes that no agency employee when acting in their official capacity shall be permitted to establish, operate, maintain, or otherwise permit the use of information technology not certified by the Agency’s Chief Information Officer as in compliance with the established information security protocols. (10 minutes)

3. Norton (DC): Strikes sections that extend probationary periods, modifies suspension and termination procedures, forced mandatory leave provisions, and others. (10 minutes)

4. Watson Coleman (NJ): Strikes the requirement that agencies include a description and square footage of rooms used for official time. (10 minutes)

5. Watson Coleman (NJ): Exempts from the midnight rules moratorium any rule that has been included in the Unified Regulatory Agenda for at least one year. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALMER OF ALABAMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 25, line 4, strike “sections 603 and 604” and insert “sections 602 and 603”.

Page 25, line 22, strike “Section 602” and insert “Section 601”.

Page 26, line 9, strike “Section 602” and insert “Section 601”.

Page 26, line 19, strike “Section 602” and insert “Section 601”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POSEY OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 13, insert the following new subsection:

(b) INFORMATION SECURITY PROTOCOL.—An agency employee acting in the official capacity of the employee (other than the head of the agency) may not establish, operate, maintain, or otherwise permit the use of information technology that is not certified by the appropriate Federal entity responsible for information security within the agency (either the Director of the Office of Management and Budget, the head of the agency, the Secretary of Homeland Security, or the Chief Information Officer of the agency, as applicable) as in compliance with the established information security policies, procedures, and programs.

Page 2, line 14, strike “(b)” and insert “(c)”.

3. AN AMENDMENT TO BE OFFERED BY DELEGATE NORTON OF DISTRICT OF COLUMBIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike sections 402, 405(b), 406, 407, and 408.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATSON COLEMAN OF NEW JERSEY OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, strike lines 18 through 21.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATSON COLEMAN OF NEW JERSEY OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, after line 23, insert the following new subsection:

(c) REGULATORY FLEXIBILITY AGENDA EXCEPTION.—Section 601 shall not apply to a midnight rule that is published in the regulatory flexibility agenda pursuant to section 602 of title 5, United States Code, and that has been included in the Unified Regulatory Agenda submitted pursuant to Executive Order 12886 (5 U.S.C. 601 note; relating to regulatory planning and review) for at least one year.

