

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 302) TO IMPOSE LIMITS ON EXCEPTING COMPETITIVE SERVICE POSITIONS FROM THE COMPETITIVE SERVICE, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2988) TO AMEND TITLE 5, UNITED STATES CODE, TO MODIFY AND ENHANCE PROTECTIONS FOR FEDERAL GOVERNMENT WHISTLEBLOWERS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 8326) TO AMEND TITLE 13, UNITED STATES CODE, TO IMPROVE THE OPERATIONS OF THE BUREAU OF THE CENSUS, AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES

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SEPTEMBER 13, 2022.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 1339]

The Committee on Rules, having had under consideration House Resolution 1339, by a record vote of 8 to 4, 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. 302, the Preventing a Patronage System Act (PPSA), under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Reform now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment to H.R. 302 printed in part A of this report. The amendment may be offered only by the 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, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendment printed in part A of the report. The resolution provides one motion

to recommit. The resolution provides for consideration of H.R. 2988, the Whistleblower Protection Improvement Act, 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 Reform or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and reform now printed in the bill, as modified by the amendment printed in part B of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part C of this report and amendments en bloc described in section 4 of the resolution. Each amendment printed in this report 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. The resolution waives all points of order against the amendments printed in part C of the report or amendments en bloc described in section 4 of the resolution. Section 4 provides that the chair of the Committee on Oversight and Reform or her designee may offer amendments en bloc consisting of amendments printed in Part C of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The question of such further amendments' adoption shall be put to the House en gros and without division of the question. The resolution provides one motion to recommit. The resolution provides that during consideration of H.R. 2988, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Oversight and Reform or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill. The resolution further provides for consideration of H.R. 8326, the Ensuring a Fair and Accurate Census Act, 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 Reform or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-64, modified by the amendment printed in part D of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part E of this report and amendments en bloc described in sec-

tion 8 of the resolution. Each amendment printed in this report 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. The resolution waives all points of order against the amendments printed in part E of this report or amendments en bloc described in section 8 of the resolution. Section 8 provides that the chair of the Committee on Oversight and Reform or her designee may offer amendments en bloc consisting of amendments printed in Part E of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The question of such further amendments' adoption shall be put to the House en gros and without division of the question. The resolution provides one motion to recommit. The resolution provides that during consideration of H.R. 8326, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Oversight and Reform or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill. The resolution provides that at any time through the legislative day of September 16, 2022, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on the legislative day of September 13, 2022, September 14, 2022, September 15, 2022, or September 16, 2022, on which the yeas and nays were ordered and further proceedings postponed. The Chair shall put the question on any such motion without debate or intervening motion, and the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated. The resolution waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House with respect to any resolution reported through the legislative day of September 30, 2022, relating to a measure making or continuing appropriations for the fiscal year ending September 30, 2023.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 302, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against provisions in H.R. 302, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against the amendment to H.R. 302 in Part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 2988 includes waivers of the following:

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

—Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

Although the rule waives all points of order against provisions in H.R. 2988, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against the amendments to H.R. 2988 in Part C of this report or against amendments en bloc described in section 4, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against consideration of H.R. 8326, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against provisions in H.R. 8326, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against the amendments to H.R. 8326 in Part E of this report or against amendments en bloc described in section 8, 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. 287*

Motion by Mr. Raskin to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mrs. Torres .....	Yea	Mr. Cole .....	Nay
Mr. Perlmutter .....	Yea	Mr. Burgess .....	Nay
Mr. Raskin .....	Yea	Mr. Reschenthaler .....	Nay
Ms. Scanlon .....	Yea	Mrs. Fischbach .....	Nay
Mr. Morelle .....	Yea		
Mr. DeSaulnier .....	Yea		
Ms. Ross .....	Yea		
Mr. Neguse .....	.....		
Mr. McGovern, Chairman .....	Yea		

#### SUMMARY OF THE AMENDMENT TO H.R. 302 IN PART A MADE IN ORDER

1. Hice (GA): Ensures that a policy similar to Schedule F could be reinstated in the future by the President. (10 minutes)

#### SUMMARY OF THE AMENDMENT TO H.R. 2988 IN PART B CONSIDERED AS ADOPTED

1. Maloney, Carolyn (NY): Strikes the extension of whistleblower protections to noncareer appointees in the Senior Executive Service.

SUMMARY OF THE AMENDMENTS TO H.R. 2988 IN PART C MADE IN  
ORDER

1. Auchincloss (MA): Requires GAO to conduct within four years of enactment a study that at a minimum examines the timeliness of MSPB whistleblower complaint rulings, reports on the rate of whistleblowers opting for a district court trial, and offers recommendations for MSPB to make improvements to its whistleblower complaint review process. (10 minutes)

2. Jackson Lee (TX): Directs each Office of Inspector General to establish and maintain a mechanism to receive anonymous whistleblower information that conforms to specified requirements to ensure and maintain anonymity. (10 minutes)

3. Porter (CA): Creates new reporting requirement for Inspectors General to provide to Congress the number of instances in which their Office did not resolve a whistleblower retaliation complaint within 8 months after receiving the complaint. (10 minutes)

4. Spanberger (VA): Adds language to allow whistleblowers to challenge adverse security clearance actions through the same adjudication process used for other whistleblower retaliation complaints. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 8326 IN PART D CONSIDERED  
AS ADOPTED

1. Maloney, Carolyn (NY): Provides additional transparency into the Census Bureau budget process, modifies the qualifications for the Deputy Director, and modifies the removal process for the Director.

SUMMARY OF THE AMENDMENTS TO H.R. 8326 IN PART E MADE IN  
ORDER

1. Jackson Lee (TX): Directs the Deputy Director to appoint an employee within the Census Bureau who will be responsible for optimizing racial and ethnic equity in the decennial census count of the population by engaging in specified activities, the progress of which shall be included in the Secretary's biannual reports to Congress. (10 minutes)

2. Hice (GA): Eliminates for-cause removal requirements of the Director of the Census Bureau; strikes the requirement that the Deputy Director position be a career-reserved candidate and certain qualifications for the position; and adds that the Deputy act as the Director in the event of a vacancy in the Director position. (10 minutes)

3. Case (HI): Requires the Census Bureau to submit a report to Congress on the agency's current processes for consulting and engaging with jurisdictions and local partners in conducting the decennial census and efforts by the Bureau to improve local-level data collection and coordination of local field operations. (10 minutes)

## PART A—TEXT OF AMENDMENT TO H.R. 302 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HICE OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 14, strike “; and” and insert the following: “, subject to the terms and conditions under part 6 of such title as in effect on such date; or”.

Page 3, strike lines 15 and 16 and insert the following:

(2) in schedule F of the excepted service as in effect on December 31, 2020, pursuant to Executive Order 13957 (85 Fed. Reg. 67631; relating to creating schedule F in the excepted service).

Page 3, line 20, before the period, insert “or (a)(2)”.

## PART B—TEXT OF AMENDMENT TO H.R. 2988 CONSIDERED AS ADOPTED

Page 16, beginning on line 6, strike “an” and all that follows through line 11 and insert the following: “and an officer or applicant for employment in the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

## PART C—TEXT OF AMENDMENTS TO H.R. 2988 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AUCHINCLOSS OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 3(c)(4), insert the following:

(C) GAO REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall—

(i) conduct a study on actions brought before Federal court pursuant to paragraph (2) of section 1221(i) of title 5, United States Code (as added by subparagraph (A) of this paragraph) that, at the minimum, examines the timeliness of Merit Systems Protection Board whistleblower complaint rulings, the rates of individuals opting for a district court trial under such paragraph, and recommendations for the Board to make improvements to its whistleblower claim review process; and

(ii) submit a report on such study to Congress and publish such report on the Government Accountability Office’s public website.

## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**SEC. 7. INSPECTOR GENERAL WHISTLEBLOWER INFORMATION COLLECTION SYSTEMS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Inspector General of each Federal agency and each designated Federal entity (as those terms are defined in sections 12(5) and 8G, respectively, of the Inspector General Act of 1978) shall establish and thereafter maintain a mechanism for the

inspector general to receive anonymous whistleblower information (including fraud, waste, and abuse).

(b) REQUIREMENTS.—

(1) ANONYMITY.—Any whistleblower mechanism established under subsection (a) by an inspector general shall maintain total anonymity for any individual who submits information through such mechanism.

(2) ACCEPTABLE SYSTEMS.—In order to maintain anonymity, any such mechanism may not include the use of any computer or telephone systems in collecting such information, but may include the use of the United States mail, physical receptacles for receiving information, or any other system that can assure anonymity.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise prohibit an inspector general from using computer or telephone systems when carrying out any other program, project, or activity not authorized by this section.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PORTER OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert the following at the end of section 3:

(h) IG SEMIANNUAL REPORTS.—Section 5(a)(20) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the semicolon at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) the number of instances in which the Office did not make a determination regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken within 240 days after receiving a whistleblower retaliation complaint;”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPANBERGER OF VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 13, strike “(xiii)” and insert “(xiv)”.

Page 4, line 6, strike “and”.

Page 4, after line 12, insert the following

(3) SECURITY CLEARANCES.—Section 2302(a)(2)(A) of title 5, United States Code, as amended by paragraph (1), is further amended by inserting after clause (xii) the following:

“(xiii) a suspension, revocation, denial, or other determination relating to a security clearance or any other access determination made by an agency; and”.

Page 15, line 25, strike “(xiii)” and insert “(xiv)”.

PART D—TEXT OF AMENDMENT TO H.R. 8326 CONSIDERED AS ADOPTED

Page 1, line 15, strike “Secretary shall include in such request” and insert “Director shall include in such request to the Secretary”.

Page 2, beginning on line 1, strike “are submitted to the President under subsection (a), the Secretary” and insert “is submitted to the Secretary under subsection (a), the Director”.

Page 2, line 14, strike “FOR-CAUSE REMOVAL OF THE DIRECTOR;”.

Page 2, strike lines 15 through 20 and insert the following: “Section 21(c) of title 13, United States Code, is amended to read as follows:”.

Page 3, beginning on line 25, strike “possess” and all that follows through page 4, line 3, and insert the following: “be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.”.

Page 6, line 21, strike “two” and insert “three”.

PART E—TEXT OF AMENDMENTS TO H.R. 8326 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 16, insert the following:

“(4) CENSUS EQUITY OFFICIAL.—The Deputy Director shall appoint an employee within the Bureau, who shall report directly to the Deputy Director, and who shall be responsible for optimizing racial and ethnic equity in the decennial census of population, including by—

“(A) enhancing outreach to, and collaborating with, organizations and stakeholders that have demonstrated their influence with racial and ethnic communities that historically have had census participation rates that are lower than those of the overall population;

“(B) maximizing participation among racial and ethnic demographic cohorts that have historically had census participation rates that are lower than those of the overall population;

“(C) rectifying the undercount of cohorts of the population that have been undercounted in recent decennial census counts; and

“(D) any other strategies, initiatives, activities, or operations that would optimize such equity.”.

Page 8, line 4, after “census” insert the following: “, and including a detailed statement on the status of any initiatives, developments, and operations within the purview of the official appointed by the Deputy Director under section 21(d)(4)”.

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

Strike section 2(b) (relating to for-cause removal and duties) and redesignate subsequent subsections accordingly.

Page 3, line 7, strike “; DEPUTY DIRECTOR”.

Page 3, beginning on line 9, strike “as amended by subsection (b), is further amended—” and insert “is amended by adding at the end the following:”.

Page 3, strike line 11 and all that follows through page 4, line 16.

Page 4, line 17, redesignate subsection (e) as subsection (d).

Page 6, in the matter following line 13, strike “Deputy Director;”.  
Strike section 2(d) (relating to position requirements).

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASE OF  
HAWAII OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**SEC. 5. REPORT ON LOCAL-LEVEL DATA AND LOCAL FIELD OPERATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report that—

(1) reviews the Bureau’s current processes for consulting and engaging with jurisdictions and local partners in conducting the decennial census, including as it relates to preventing and addressing inaccuracies;

(2) provides an update on the Bureau’s progress in implementing several of the Government Accountability Office’s recommendations as it relates to the collection and utilization of local-level data and coordination of local field operations; and

(3) outlines additional resources needed to support and improve the Bureau’s capacity to conduct an accurate count of the Nation’s population.