

Calendar No. 668

115TH CONGRESS
2D SESSION**S. 3208****[Report No. 115–382]**

To provide agencies with discretion in securing information technology and
information systems.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2018

Mr. JOHNSON (for himself and Mrs. ERNST) introduced the following bill;
which was read twice and referred to the Committee on Homeland Secu-
rity and Governmental Affairs

NOVEMBER 26, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To provide agencies with discretion in securing information
technology and information systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Information
5 Systems Safeguards Act of 2018”.

1 **SEC. 2. AGENCY DISCRETION TO SECURE INFORMATION**
 2 **TECHNOLOGY AND INFORMATION SYSTEMS.**

3 (a) **IN GENERAL.**—The authority described under
 4 subsection (b) may not be—

5 (1) limited by a collective bargaining agree-
 6 ment, memorandum of agreement, or any other
 7 agreement entered into before, on, or after the date
 8 of enactment of this Act pursuant to chapter 71 of
 9 title 5, United States Code; or

10 (2) negotiated under section 7106(b) or any
 11 other section of such chapter 71.

12 (b) **AUTHORITY COVERED.**—The authority described
 13 in this subsection is the authority of the head of an agen-
 14 cy, pursuant to section 3554 of title 44, United States
 15 Code, to take any action to limit, restrict, or prohibit ac-
 16 cess to a website or to test, deploy, or update a cybersecu-
 17 rity measure if the head of the agency determines such
 18 action is necessary to carry out the responsibilities of the
 19 head of the agency under such section 3554.

20 (c) **DEFINITION OF AGENCY.**—In this section, the
 21 term “agency” has the meaning given the term in section
 22 3502 of title 44, United States Code.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Federal Information*
 25 *Systems Safeguards Act of 2018”.*

1 **SEC. 2. AGENCY DISCRETION TO SECURE INFORMATION**
2 **TECHNOLOGY AND INFORMATION SYSTEMS.**

3 (a) *IN GENERAL.*—*The authority described under sub-*
4 *section (b) may not be—*

5 (1) *limited by a collective bargaining agreement,*
6 *memorandum of agreement, or any other agreement*
7 *entered into before, on, or after the date of enactment*
8 *of this Act pursuant to chapter 71 of title 5, United*
9 *States Code; or*

10 (2) *negotiated under section 7106(b) or any other*
11 *section of such chapter 71.*

12 (b) *AUTHORITY COVERED.*—*The authority described in*
13 *this subsection is the authority of the head of an agency,*
14 *pursuant to section 3554 of title 44, United States Code,*
15 *to take any action to limit, restrict, or prohibit access to*
16 *a website or to test, deploy, or update a cybersecurity meas-*
17 *ure if the head of the agency determines such action is nec-*
18 *essary to carry out the responsibilities of the head of the*
19 *agency under such section 3554.*

20 (c) *CONSIDERATION OF COMMUNICATION NEEDS.*—

21 (1) *IN GENERAL.*—*After taking an action under*
22 *this section, the head of an agency shall, upon the re-*
23 *quest of employees of the agency, take into consider-*
24 *ation and seek guidance on the personal communica-*
25 *tion needs of the employees of the agency.*

1 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection shall be construed to establish a right to*
3 *collective bargaining.*

4 (d) *DEFINITION OF AGENCY.*—*In this section, the term*
5 *“agency” has the meaning given the term in section 3502*
6 *of title 44, United States Code.*

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