

downloadable database for Executive agencies to directly upload and submit the information and documents required under paragraph (1) for immediate publication online.

“(4) STATEMENT OF CONFIDENTIALITY.—If the head of an Executive agency determines that a confidentiality provision in a settlement agreement, or the sealing of a settlement agreement, is required to protect the public interest of the United States, the head of the Executive agency may except the settlement agreement from the requirement in paragraph (1) and shall issue a written public statement stating why such action is required to protect the public interest of the United States, which shall explain—

“(A) what interests confidentiality protects; and

“(B) why the interests protected by confidentiality outweigh the public’s interest in knowing about the conduct of the Federal Government and the expenditure of Federal resources.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding at the end the following new item:

“307. Information regarding settlement agreements.”.

(c) DEADLINE TO ESTABLISH DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance required by section 307(b)(2) of title 5, United States Code, as added by subsection (a), and establish the settlement agreement information database required by section 307(b)(3) of title 5, United States Code, as added by subsection (a).

(d) DEADLINE FOR FIRST SUBMISSION.—Not later than 90 days after the Director issues guidance under section 307(b)(2) of title 5, United States Code, as added by subsection (a), the head of each Executive agency (as defined in section 105 of title 5, United States Code) shall begin submitting information to the database established under such section 307.

SEC. 3. AMENDMENTS TO THE FREEDOM OF INFORMATION ACT.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) each settlement agreement (as defined in section 307) entered into by an Executive agency, with redactions for information that the agency may withhold under paragraph (8) and subsections (b) and (c) of this section;”.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of information or records that any agency may properly withhold from public disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

This Act shall be effective 180 days after the date of the enactment of this Act and shall apply—

(1) with respect to any settlement agreement (as such term is defined in section 307 of title 5, United States Code, as added by section 2), entered into on or after the date of the enactment of this Act; and

(2) to the extent practicable, any such settlement agreement (as such term is defined in section 307 of title 5, United States Code, as added by section 2) that remains in effect on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. COMER) and the gentleman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. COMER. 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 Kentucky?

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6777, introduced by Congressman PALMER of Alabama.

Transparency and public participation are critical to maintaining the public’s trust in its government. Since the 1970s, however, Federal agencies have increasingly resolved litigation by entering into consent decrees and other legally binding settlement agreements rather than through a public trial.

These agreements were often negotiated behind closed doors. Secret negotiations prevent the public from holding the Federal Government accountable for decisions made without their input.

States, local governments, industry stakeholders, and taxpayers are often directly affected by the agreements, but are shut out of the negotiations. For example, a consent decree entered into by the Environmental Protection Agency required the city of Fort Smith, Arkansas to reform its sewer systems in 12 years. Sewer utility bills increased by 167 percent in 3 years to fund the obligations of the agreement, while residents’ incomes simultaneously decreased by 11 percent.

Due to poor recordkeeping, it is impossible for Congress and the public to determine the full cost of Federal settlement agreements. Most of the public’s access to Federal settlement agreement information is currently determined by individual agency discretion, usually issued in the form of a press release.

Further, heads of agencies can declare a settlement confidential and seal the contents of the agreement without providing any explanation. The Settlement Agreement Information Database Act seeks to correct this problem by shining light on the details of Federal settlement agreements. The bill requires the establishment of an electronic and publicly-available database of agencies’ settlement agreements. It requires Federal agencies to enter basic information about settlement agreements into the database.

Mr. Speaker, this is a commonsense transparency bill, and I urge my colleagues to support it.

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

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this commonsense bill. The Settlement Agreement Information Database Act would create a database of settlement agreements entered into by Federal agencies that relate to alleged violations of Federal, civil, or criminal law.

The Office of Management and Budget would manage this database and set deadlines for submission. The heads of executive agencies would be required to submit details about the types of settlement agreements, parties involved in the settlements, specific violations, and the dates on which the settlement agreements were entered into.

The information about the settlement agreements would remain public until 5 years after the termination of the agreements. The information within the agreements would remain subject to FOIA regulations. But if the head of the agencies decided to keep an entire agreement confidential, he or she would be required to submit an explanation of that action to the database.

This bill would improve the transparency surrounding settlement agreements, which in the past have been difficult for the public to access.

Mr. Speaker, I do not have any further speakers, and I yield back the balance of my time.

Mr. COMER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. COMER) that the House suspend the rules and pass the bill, H.R. 6777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL CIO AUTHORIZATION ACT OF 2018

Mr. COMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6901) to amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6901

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 “Federal CIO Authorization Act of 2018”.

SEC. 2. CHANGES RELATING TO ELECTRONIC GOVERNMENT SERVICES.

(a) CHANGE OF CERTAIN NAMES IN CHAPTER 36 OF TITLE 44.—

(1) DEFINITIONS.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively; and

(C) in paragraph (4), as so redesignated, by striking “E-Government Fund” and inserting “Federal IT Fund”.

(2) OFFICE OF ELECTRONIC GOVERNMENT.—Section 3602 of title 44, United States Code, is amended—

(A) in the heading, by striking “OFFICE OF ELECTRONIC GOVERNMENT” and inserting “OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER”;

(B) in subsection (a), by striking “Office of Electronic Government” and inserting “Office of the Federal Chief Information Officer”;

(C) in subsection (b)—

(i) by striking “an Administrator” and inserting “a Federal Chief Information Officer”;

(ii) by inserting before the period at the end the following: “and who shall report directly to the Director”;

(D) in subsection (c), by striking “The Administrator” and inserting “The Federal Chief Information Officer”;

(E) in subsection (d), by striking “The Administrator” and inserting “The Federal Chief Information Officer”;

(F) in subsection (e), by striking “The Administrator” and inserting “The Federal Chief Information Officer”;

(G) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking “the Administrator” and inserting “the Federal Chief Information Officer”;

(ii) in paragraph (5), by striking “E-Government Fund” and inserting “Federal IT Fund”;

(iii) in paragraph (16), by striking “the Office of Electronic Government” and inserting “the Office of the Federal Chief Information Officer”;

(iv) by adding at the end the following new paragraph:

“(18) Oversee the Federal Chief Information Security Officer.”; and

(H) in subsection (g), by striking “the Office of Electronic Government” and inserting “the Office of the Federal Chief Information Officer”.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(A) in subsection (b)(2), by striking “The Administrator of the Office of Electronic Government” and inserting “The Federal Chief Information Officer”;

(B) in subsection (c)(1), by striking “The Administrator of the Office of Electronic Government” and inserting “The Federal Chief Information Officer”;

(C) in subsection (f)—

(i) in paragraph (3), by striking “the Administrator” and inserting “the Federal Chief Information Officer”;

(ii) in paragraph (5), by striking “the Administrator” and inserting “the Federal Chief Information Officer”.

(4) E-GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(A) in the heading, by striking “E-GOVERNMENT FUND” and inserting “FEDERAL IT FUND”;

(B) in subsection (a)—

(i) in paragraph (1), by striking “E-Government Fund” and inserting “Federal IT Fund”;

(ii) in paragraph (2), by striking “the Administrator of the Office of Electronic Government” and inserting “the Federal Chief Information Officer”;

(C) in subsection (b), by striking “Administrator” each place it appears and inserting “Federal Chief Information Officer”;

(D) in subsection (c), by striking “the Administrator” and inserting “the Federal Chief Information Officer”.

(5) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(A) in subsection (a), by striking “The Administrator” and inserting “The Federal Chief Information Officer”;

(B) in subsection (b), by striking “, the Administrator,” and inserting “, the Federal Chief Information Officer,”; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking “The Administrator” and inserting “The Federal Chief Information Officer”;

(II) by striking “proposals submitted to the Administrator” and inserting “proposals submitted to the Federal Chief Information Officer”;

(ii) in paragraph (2)(B), by striking “the Administrator” and inserting “the Federal Chief Information Officer”;

(iii) in paragraph (4)—

(I) by striking “the Administrator” and inserting “the Federal Chief Information Officer”;

(II) by striking “E-Government Fund” and inserting “Federal IT Fund”.

(6) E-GOVERNMENT REPORT.—Section 3606 of title 44, United States Code, is amended—

(A) in the heading, by striking “E-Government” and inserting “Annual”;

(B) in subsection (a), by striking “an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives” and inserting “a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives”.

(7) TREATMENT OF INCUMBENT.—The individual serving as the Administrator of the Office of Electronic Government under section 3602 of title 44, United States Code, as of the date of the enactment of this Act, may continue to serve as the Federal Chief Information Officer commencing as of that date, without further appointment under such section.

(8) REFERENCES.—Any reference to the Administrator of the Office of Electronic Government in any law, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Federal Chief Information Officer.

(9) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS FOR CHAPTER 36 OF TITLE 44.—The table of sections for chapter 36 of title 44, United States Code, is amended—

(i) by striking the item relating to section 3602 and inserting the following new item: “3602. Office of the Federal Chief Information Officer.”;

(ii) by striking the item relating to section 3604 and inserting the following new item: “3604. Federal IT Fund.”;

and

(iii) in the item relating to section 3606, by striking “E-Government” and inserting “Annual”.

(B) PRESIDENTIAL INNOVATION FELLOWS PROGRAM ADVISORY BOARD.—Section 3172(b)(3) of title 5, United States Code, is amended by striking “the Administrator of the Office of Electronic Government of the Office of Management and Budget” and inserting “the Federal Chief Information Officer”.

(C) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking “Administrator of the Office of

Electronic Government” and inserting “Federal Chief Information Officer”.

(D) TABLE OF SECTIONS FOR CHAPTER 5 OF TITLE 31.—The table of sections for chapter 5 of subtitle I of title 31, United States Code, is amended by striking the item relating to section 507 and inserting the following new item:

“507. Office of the Federal Chief Information Officer.”.

(E) OFFICE OF ELECTRONIC GOVERNMENT.—Section 507 of title 31, United States Code, is amended—

(i) in the heading, by striking “OFFICE OF ELECTRONIC GOVERNMENT” and inserting “OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER”;

(ii) by striking “The Office of Electronic Government” and inserting “The Office of the Federal Chief Information Officer”.

(F) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—Section 1126(b)(3)(A)(i)(II) of title 31, United States Code, is amended by striking “The Administrator of the Office of Electronic Government” and inserting “The Federal Chief Information Officer”.

(G) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—Section 305 of title 40, United States Code, is amended by striking “the Administrator of the Office of Electronic Government” and inserting “the Federal Chief Information Officer”.

(H) CAPITAL PLANNING AND INVESTMENT CONTROL.—Section 11302(c)(4) of title 40, United States Code, is amended by striking “the Administrator of the Office of Electronic Government” each place it appears and inserting “the Federal Chief Information Officer”.

(I) RESOURCES, PLANNING, AND PORTFOLIO MANAGEMENT.—Section 11319(d) of title 40, United States Code, is amended by striking “Administrator of the Office of Electronic Government” each place it appears and inserting “Federal Chief Information Officer”.

(J) E-GOVERNMENT ACT OF 2002.—Section 207(f)(3)(C) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) is amended by striking “the Administrator of the Office of Electronic Government” and inserting “the Federal Chief Information Officer”.

(b) ESTABLISHMENT OF CHIEF INFORMATION SECURITY OFFICER AND REPORT ON IT EXPENDITURES.—

(1) IN GENERAL.—Chapter 36 of title 44, United States Code, is further amended by adding at the end the following new sections:

“§ 3607. Federal Chief Information Security Officer

“(a) ESTABLISHMENT.—There is established in the Office of Management and Budget a Federal Chief Information Security Officer, who shall—

“(1) be appointed by the President;

“(2) be within the Office of the Federal Chief Information Officer; and

“(3) report directly to the Federal Chief Information Officer.

“(b) DUTIES.—The Federal Chief Information Security Officer shall—

“(1) direct the cybersecurity efforts of the Office of Management and Budget;

“(2) carry out the duties of the Director related to the security of information and information systems for agencies, including the duties and responsibilities assigned to the Director under subchapter II of chapter 35; and

“(3) carry out such other duties and powers assigned by the President, the Director, or the Federal Chief Information Officer.

“§ 3608. Technology investment planning and oversight process

“(a) REPORT ON INFORMATION TECHNOLOGY EXPENDITURES.—The head of each agency

shall submit to the Federal Chief Information Officer a report on any expenditure on information technology by that agency.

“(b) IMPLEMENTATION.—The Director shall establish a process to implement subsection (a), and may update such process, as necessary, that shall—

“(1) use a widely accepted industry standard taxonomy with common data elements and definitions; and

“(2) display, on a website accessible to the public, timely, searchable, computer-readable data on the information technology expenditures, projects, and programs of agencies, if such information would otherwise be subject to public disclosure under section 552 of title 5, commonly known as the Freedom of Information Act.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is further amended by adding at the end the following new item:

“3607. Federal Chief Information Security Officer.

“3608. Technology investment planning and oversight process.”.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish the process described in section 3608(b) of title 44, United States Code, as added by paragraph (1).

(4) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Federal Chief Information Officer shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of establishing the process described in section 3608(b) of title 44, United States Code, as added by paragraph (1).

SEC. 3. PROPOSAL RELATED TO SHARED SERVICES.

Not later than 180 days after the date of the enactment of this Act, the Federal Chief Information Officer shall submit to Congress a proposal for consolidating information technology across the Federal Government, especially among Federal agencies not referred to under section 901(b) of title 31, United States Code, and increasing the use of shared services, including any recommendations for legislative changes that may be necessary to effect the proposal.

SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and the amendments made by this Act shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. COMER) and the gentleman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. COMER. 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 Kentucky?

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6901, introduced by Congressman WILL HURD of Texas.

The Federal CIO Authorization Act is a bipartisan measure to modernize legacy Federal technology policy.

The Office of Electronic Government was established by the E-Government Act of 2002. The head of this office is commonly referred to as the Federal Chief Information Officer, or Federal CIO.

This bill authorizes and renames the Office of Electronic Government as the Office of the Federal CIO. Codifying the position of the Federal CIO emphasizes the importance of the role to the formation of government-wide technology policy.

Under this bill, the Federal CIO will report to the Director of the Office of Management and Budget.

The bill also codifies the position of Federal Chief Information Security Officer, under the direction of the Federal CIO.

The bill promotes cost-efficient and secure technology use throughout the Federal Government.

Mr. Speaker, I strongly urge my colleagues to support the bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal CIO Authorization Act would make several commonsense changes to existing law.

First, it would update the name of the Administrator for E-Government to the Federal Chief Information Officer and require that individual to report directly to the Director of the Office of Management and Budget.

Second, it would establish the position of Federal Chief Information Security Officer, who would report to the Federal CIO and assist OMB in its cybersecurity efforts.

Finally, the bill would require the Federal CIO to submit a proposal on consolidating IT across Federal agencies, especially smaller agencies, through the use of shared services.

Mr. Speaker, I urge every Member in this Congress to support this bill, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HURD), the sponsor of this bill.

Mr. HURD. Mr. Speaker, it should come as no surprise to anyone in this Chamber that technology is integrated into every facet of our daily lives. We have come a long way since the bill that established the role of the Federal Chief Information Officer, the E-Government Act, when it was originally passed.

Less than 50 percent of the U.S. population had access to the internet in 2001. Nearly every American now has access to the internet.

Just 62 percent of Americans had cell phones when the original bill passed. Now 95 percent of Americans own cell phones and 77 percent own smartphones.

Mobile apps were non-existent in 2002. Today, over 2.2 million apps are available to consumers.

This bill recognizes how far technology has come. It codifies the position of the Federal CIO and elevates the office to report directly to the head of the Office of Management and Budget.

This bill establishes the role of the Federal CISO, the Chief Information Security Officer, who reports to the CIO and leads OMB's cybersecurity efforts.

Empowering CIOs at the Federal agencies is consistent with the principles of the Federal IT Acquisition Reform Act and the Federal CIO should not be treated differently.

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\$90 billion is spent on purchasing IT goods and services. Eighty percent of that is on old, outdated technology. We need a strong Federal CIO to make sure American taxpayer dollars are being spent wisely.

Mr. Speaker, I want to thank my friends, my colleagues—MARK MEADOWS from North Carolina; GERRY CONNOLLY from Virginia; my partner in crime on the Information Technology Subcommittee, my good friend, ROBIN KELLY from Illinois; and also BRENDA LAWRENCE from Michigan—for showing the American people that bipartisanship actually happens up here in Washington, D.C., in order to make sure we are keeping Americans safe.

Mr. Speaker, I strongly urge my colleagues to support this bill.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. COMER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. COMER) that the House suspend the rules and pass the bill, H.R. 6901, as amended.

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. COMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

TILDEN VETERANS POST OFFICE

Mr. COMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1207) to designate the facility of the United States Postal Service located at 306 River Street in Tilden, Texas, as the "Tilden Veterans Post Office", with