

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4361  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Information  
3 Systems Safeguards Act of 2016”.

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

6 Section 3554 of title 44, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9 “(f) AGENCY DISCRETION.—The head of each agency  
10 has the sole and exclusive authority, with respect to any  
11 information technology or information system under the  
12 control of such agency—

13 “(1) to take any action the agency determines  
14 to be necessary to reduce or eliminate security weak-  
15 ness and risk, including to protect the information  
16 contained in the information technology or informa-  
17 tion system; and

1           “(2) to take any action the agency determines  
2           to be necessary to reduce or eliminate future secu-  
3           rity weakness and risk, including to protect the in-  
4           formation contained in the information technology or  
5           information system.”.

6   **SEC. 3 RULE OF CONSTRUCTION.**

7           Section 2 of this Act, which clarifies agency discretion  
8           with respect to any information technology or information  
9           system under control of such agency, does not modify ex-  
10          isting law as enacted in the Consolidated Appropriations  
11          Act of Fiscal Year 2016, Division N – Cybersecurity Act  
12          of 2015, Public Law 114–113.

