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113TH CONGRESS
2^D SESSION**H. R. 1232****[Report No. 113–262]**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2014

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

SEPTEMBER 18, 2014

Reported by Mr. CARPER, with an amendment and an amendment to the title

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

AN ACT

To amend titles 40, 41, and 44, United States Code, to
eliminate duplication and waste in information tech-
nology acquisition and management.

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 Technology Acquisition Reform Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1: Short title.
- Sec. 2: Table of contents.
- Sec. 3: Definitions.

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

- Sec. 101: Increased authority of agency Chief Information Officers over information technology.
- Sec. 102: Lead coordination role of Chief Information Officers Council.
- Sec. 103: Reports by Government Accountability Office.

TITLE II—DATA CENTER OPTIMIZATION

- Sec. 201: Purpose.
- Sec. 202: Definitions.
- Sec. 203: Federal data center optimization initiative.
- Sec. 204: Performance requirements related to data center consolidation.
- Sec. 205: Cost savings related to data center optimization.
- Sec. 206: Reporting requirements to Congress and the Federal Chief Information Officer.

TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

- Sec. 301: Inventory of information technology software assets.
- Sec. 302: Website consolidation and transparency.
- Sec. 303: Transition to the cloud.
- Sec. 304: Elimination of unnecessary duplication of contracts by requiring business case analysis.

TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management Practices

- Sec. 401: Pilot program on interagency collaboration.
- Sec. 402: Designation of assisted acquisition centers of excellence.

Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 411: Expansion of training and use of information technology acquisition cadres.
- Sec. 412: Plan on strengthening program and project management performance.
- Sec. 413: Personnel awards for excellence in the acquisition of information systems and information technology.

TITLE V—ADDITIONAL REFORMS

- Sec. 501: Maximizing the benefit of the Federal strategic sourcing initiative.
- Sec. 502: Governmentwide software purchasing program.
- Sec. 503: Promoting transparency of blanket purchase agreements.
- Sec. 504: Additional source selection technique in solicitations.
- Sec. 505: Enhanced transparency in information technology investments.
- Sec. 506: Enhanced communication between government and industry.

~~Sec. 507. Clarification of current law with respect to technology neutrality in acquisition of software.~~

~~Sec. 508. No additional funds authorized.~~

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ~~CHIEF ACQUISITION OFFICERS COUNCIL.—~~

4 The term “Chief Acquisition Officers Council”
5 means the Chief Acquisition Officers Council estab-
6 lished by section 1311(a) of title 41, United States
7 Code.

8 (2) ~~CHIEF INFORMATION OFFICER.—~~The term
9 “Chief Information Officer” means a Chief Informa-
10 tion Officer (as designated under section 3506(a)(2)
11 of title 44, United States Code) of an agency listed
12 in section 901(b) of title 31, United States Code.

13 (3) ~~CHIEF INFORMATION OFFICERS COUNCIL.—~~
14 The term “Chief Information Officers Council” or
15 “CIO Council” means the Chief Information Officers
16 Council established by section 3603(a) of title 44,
17 United States Code.

18 (4) ~~DIRECTOR.—~~The term “Director” means
19 the Director of the Office of Management and Budg-
20 et.

21 (5) ~~FEDERAL AGENCY.—~~The term “Federal
22 agency” means each agency listed in section 901(b)
23 of title 31, United States Code.

1 ~~(6) FEDERAL CHIEF INFORMATION OFFICER.—~~

2 The term “Federal Chief Information Officer”
3 means the Administrator of the Office of Electronic
4 Government established under section 3602 of title
5 44, United States Code.

6 ~~(7) INFORMATION TECHNOLOGY OR IT.—~~The
7 term “information technology” or “IT” has the
8 meaning provided in section 11101(6) of title 40,
9 United States Code.

10 ~~(8) RELEVANT CONGRESSIONAL COMMIT-~~
11 ~~TEES.—~~The term “relevant congressional commit-

12 tees” means each of the following:
13 ~~(A) The Committee on Oversight and Gov-~~
14 ~~ernment Reform and the Committee on Armed~~
15 ~~Services of the House of Representatives.~~

16 ~~(B) The Committee on Homeland Security~~
17 ~~and Governmental Affairs and the Committee~~
18 ~~on Armed Services of the Senate.~~

1 **TITLE I—MANAGEMENT OF IN-**
 2 **FORMATION TECHNOLOGY**
 3 **WITHIN FEDERAL GOVERN-**
 4 **MENT**

5 **SEC. 101. INCREASED AUTHORITY OF AGENCY CHIEF IN-**
 6 **FORMATION OFFICERS OVER INFORMATION**
 7 **TECHNOLOGY.**

8 (a) **PRESIDENTIAL APPOINTMENT OF CIOs OF CER-**
 9 **TAIN AGENCIES.—**

10 (1) **IN GENERAL.—**Section 11315 of title 40,
 11 United States Code, is amended—

12 (A) by redesignating subsection (a) as sub-
 13 section (c) and moving such subsection to the
 14 end of the section; and

15 (B) by inserting before subsection (b) the
 16 following new subsection (a):

17 “(a) **PRESIDENTIAL APPOINTMENT OR DESIGNATION**
 18 **OF CERTAIN CHIEF INFORMATION OFFICERS.—**

19 “(1) **IN GENERAL.—**There shall be within each
 20 agency listed in section 901(b)(1) of title 31 an
 21 agency Chief Information Officer. Each agency Chief
 22 Information Officer shall—

23 “(A)(i) be appointed by the President; or

24 “(ii) be designated by the President, in
 25 consultation with the head of the agency; and

1 “(B) be appointed or designated, as appli-
 2 eable, from among individuals who possess dem-
 3 onstrated ability in general management of, and
 4 knowledge of and extensive practical experience
 5 in, information technology management prac-
 6 tices in large governmental or business entities.

7 “(2) RESPONSIBILITIES.—An agency Chief In-
 8 formation Officer appointed or designated under this
 9 section shall report directly to the head of the agen-
 10 cy and carry out, on a full-time basis, responsibilities
 11 as set forth in this section and in section 3506(a)
 12 of title 44 for Chief Information Officers designated
 13 under paragraph (2) of such section.”.

14 (2) CONFORMING AMENDMENTS.—Section
 15 3506(a)(2) of title 44, United States Code, is
 16 amended—

17 (A) by striking “(A) Except as provided
 18 under subparagraph (B), the head of each
 19 agency” and inserting “The head of each agen-
 20 cy, other than an agency with a Presidentially
 21 appointed or designated Chief Information Offi-
 22 cer as provided in section 11315(a)(1) of title
 23 40,”; and

24 (B) by striking subparagraph (B).

1 (b) ~~AUTHORITY RELATING TO BUDGET AND PER-~~
2 ~~SONNEL.~~—Section 11315 of title 40, United States Code,
3 is further amended by inserting after subsection (c) the
4 following new subsection:

5 “(d) ~~ADDITIONAL AUTHORITIES FOR CERTAIN~~
6 ~~CIOs.~~—

7 “(1) ~~BUDGET-RELATED AUTHORITY.~~—

8 “(A) ~~PLANNING.~~—Notwithstanding any
9 other provision of law, the head of each agency
10 listed in section 901(b)(1) or 901(b)(2) of title
11 31 and in section 102 of title 5 shall ensure
12 that the Chief Information Officer of the agen-
13 cy has the authority to participate in decisions
14 regarding the budget planning process related
15 to information technology or programs that in-
16 clude significant information technology compo-
17 nents.

18 “(B) ~~ALLOCATION.~~—Notwithstanding any
19 other provision of law, amounts appropriated
20 for any agency listed in section 901(b)(1) or
21 901(b)(2) of title 31 and in section 102 of title
22 5 for any fiscal year that are available for infor-
23 mation technology shall be allocated within the
24 agency, consistent with the provisions of appro-
25 priations Acts and budget guidelines and rec-

ommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

~~“(2) PERSONNEL-RELATED AUTHORITY.—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.”.~~

~~(c) SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.—~~

~~(1) REQUIREMENT.—Section 3506(a)(3) of title 44, United States Code, is amended—~~

~~(A) by inserting “(A)” after “(3)”;~~ and

~~(B) by adding at the end the following new subparagraph:~~

1 “(B) Each agency shall have only one indi-
 2 vidual with the title and designation of ‘Chief
 3 Information Officer’. Any bureau, office, or sub-
 4 ordinate organization within the agency may
 5 designate one individual with the title ‘Deputy
 6 Chief Information Officer’, ‘Associate Chief In-
 7 formation Officer’, or ‘Assistant Chief Informa-
 8 tion Officer’.”.

9 (2) EFFECTIVE DATE.—Section 3506(a)(3)(B)
 10 of title 44, United States Code, as added by para-
 11 graph (1), shall take effect as of October 1, 2014.
 12 Any individual serving in a position affected by such
 13 section before such date may continue in that posi-
 14 tion if the requirements of such section are fulfilled
 15 with respect to that individual.

16 **SEC. 102. LEAD COORDINATION ROLE OF CHIEF INFORMA-**
 17 **TION OFFICERS COUNCIL.**

18 (a) LEAD COORDINATION ROLE.—Subsection (d) of
 19 section 3603 of title 44, United States Code, is amended
 20 to read as follows:

21 “(d) LEAD INTERAGENCY FORUM.—

22 “(1) IN GENERAL.—The Council is designated
 23 the lead interagency forum for improving agency co-
 24 ordination of practices related to the design, develop-
 25 ment, modernization, use, operation, sharing, per-

1 formance, and review of Federal Government infor-
2 mation resources investment. As the lead inter-
3 agency forum, the Council shall develop cross-agency
4 portfolio management practices to allow and encour-
5 age the development of cross-agency shared services
6 and shared platforms. The Council shall also issue
7 guidelines and practices for infrastructure and com-
8 mon information technology applications, including
9 expansion of the Federal Enterprise Architecture
10 process if appropriate. The guidelines and practices
11 may address broader transparency, common inputs,
12 common outputs, and outcomes achieved. The guide-
13 lines and practices shall be used as a basis for com-
14 paring performance across diverse missions and op-
15 erations in various agencies.

16 “(2) REPORT.—Not later than December 1 in
17 each of the 6 years following the date of the enact-
18 ment of this paragraph, the Council shall submit to
19 the relevant congressional committees a report (to be
20 known as the ‘CIO Council Report’) summarizing
21 the Council’s activities in the preceding fiscal year
22 and containing such recommendations for further
23 congressional action to fulfill its mission as the
24 Council considers appropriate.

1 “(3) RELEVANT CONGRESSIONAL COMMIT-
 2 TEES.—For purposes of the report required by para-
 3 graph (2), the relevant congressional committees are
 4 each of the following:

5 “(A) The Committee on Oversight and
 6 Government Reform and the Committee on
 7 Armed Services of the House of Representa-
 8 tives:

9 “(B) The Committee on Homeland Secu-
 10 rity and Governmental Affairs and the Com-
 11 mittee on Armed Services of the Senate.”.

12 (b) ADDITIONAL FUNCTION.—Subsection (f) of sec-
 13 tion 3603 of such title is amended by adding at the end
 14 the following new paragraph:

15 “(8) Assist the Administrator in developing and
 16 providing guidance for effective operations of the
 17 Federal Infrastructure and Common Application
 18 Collaboration Center authorized under section 11501
 19 of title 40.”.

20 (c) REFERENCES TO ADMINISTRATOR OF E-GOVERN-
 21 MENT AS FEDERAL CHIEF INFORMATION OFFICER.—

22 (1) REFERENCES.—Section 3602(b) of title 44,
 23 United States Code, is amended by adding at the
 24 end the following: “The Administrator may also be

1 referred to as the Federal Chief Information Offi-
 2 cer.”.

3 ~~(2) DEFINITION.—Section 3601(1) of such title~~
 4 ~~is amended by inserting “or Federal Chief Informa-~~
 5 ~~tion Officer” before “means”.~~

6 **SEC. 103. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**
 7 **FICE.**

8 ~~(a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—~~
 9 ~~The Comptroller General of the United States shall exam-~~
 10 ~~ine the effectiveness of the Chief Information Officers~~
 11 ~~Council in meeting its responsibilities under section~~
 12 ~~3603(d) of title 44, United States Code, as added by sec-~~
 13 ~~tion 102, with particular focus on—~~

14 ~~(1) whether agencies are actively participating~~
 15 ~~in the Council and heeding the Council’s advice and~~
 16 ~~guidance; and~~

17 ~~(2) whether the Council is actively using and~~
 18 ~~developing the capabilities of the Federal Infrastruc-~~
 19 ~~ture and Common Application Collaboration Center~~
 20 ~~authorized under section 11501 of title 40, United~~
 21 ~~States Code, as added by section 401.~~

22 ~~(b) REPORTS.—Not later than 1 year, 3 years, and~~
 23 ~~5 years after the date of the enactment of this Act, the~~
 24 ~~Comptroller General shall submit to the relevant congres-~~
 25 ~~sional committees a report containing the findings and~~

1 recommendations of the Comptroller General from the ex-
 2 amination required by subsection (a).

3 **TITLE II—DATA CENTER** 4 **OPTIMIZATION**

5 **SEC. 201. PURPOSE.**

6 The purpose of this title is to optimize Federal data
 7 center usage and efficiency.

8 **SEC. 202. DEFINITIONS.**

9 In this title:

10 (1) **FEDERAL DATA CENTER OPTIMIZATION INI-**
 11 **TIATIVE.**—The term “Federal Data Center Optimi-
 12 zation Initiative” or the “Initiative” means the ini-
 13 tiative developed and implemented by the Director,
 14 through the Federal Chief Information Officer, as
 15 required under section 203.

16 (2) **COVERED AGENCY.**—The term “covered
 17 agency” means any agency included in the Federal
 18 Data Center Optimization Initiative.

19 (3) **DATA CENTER.**—The term “data center”
 20 means a closet, room, floor, or building for the stor-
 21 age, management, and dissemination of data and in-
 22 formation, as defined by the Federal Chief Informa-
 23 tion Officer under guidance issued pursuant to this
 24 section.

1 (4) ~~FEDERAL DATA CENTER.~~—The term “Fed-
2 eral data center” means any data center of a cov-
3 ered agency used or operated by a covered agency;
4 by a contractor of a covered agency, or by another
5 organization on behalf of a covered agency.

6 (5) ~~SERVER UTILIZATION.~~—The term “server
7 utilization” refers to the activity level of a server rel-
8 ative to its maximum activity level, expressed as a
9 percentage.

10 (6) ~~POWER USAGE EFFECTIVENESS.~~—The term
11 “power usage effectiveness” means the ratio ob-
12 tained by dividing the total amount of electricity and
13 other power consumed in running a data center by
14 the power consumed by the information and commu-
15 nications technology in the data center.

16 **SEC. 203. FEDERAL DATA CENTER OPTIMIZATION INITIA-**
17 **TIVE.**

18 (a) ~~REQUIREMENT FOR INITIATIVE.~~—The Federal
19 Chief Information Officer, in consultation with the chief
20 information officers of covered agencies, shall develop and
21 implement an initiative, to be known as the Federal Data
22 Center Optimization Initiative, to optimize the usage and
23 efficiency of Federal data centers by meeting the require-
24 ments of this Act and taking additional measures, as ap-
25 propriate.

1 (b) **REQUIREMENT FOR PLAN.**—Within 6 months
 2 after the date of the enactment of this Act, the Federal
 3 Chief Information Officer, in consultation with the chief
 4 information officers of covered agencies, shall develop and
 5 submit to Congress a plan for implementation of the Ini-
 6 tiative required by subsection (a) by each covered agency.
 7 In developing the plan, the Federal Chief Information Of-
 8 ficer shall take into account the findings and recommenda-
 9 tions of the Comptroller General review required by sec-
 10 tion 205(e).

11 (c) **MATTERS COVERED.**—The plan shall include—
 12 (1) descriptions of how covered agencies will
 13 use reductions in floor space, energy use, infrastruc-
 14 ture, equipment, applications, personnel, increases in
 15 multiorganizational use, server virtualization, cloud
 16 computing, and other appropriate methods to meet
 17 the requirements of the initiative; and
 18 (2) appropriate consideration of shifting Feder-
 19 ally owned data center workload to commercially
 20 owned data centers.

21 **SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO**
 22 **DATA CENTER CONSOLIDATION.**

23 (a) **SERVER UTILIZATION.**—Each covered agency
 24 may use the following methods to achieve the maximum

1 server utilization possible as determined by the Federal
2 Chief Information Officer:

3 (1) The closing of existing data centers that
4 lack adequate server utilization, as determined by
5 the Federal Chief Information Officer. If the agency
6 fails to close such data centers, the agency shall pro-
7 vide a detailed explanation as to why this data cen-
8 ter should remain in use as part of the submitted
9 plan. The Federal Chief Information Officer shall in-
10 clude an assessment of the agency explanation in the
11 annual report to Congress:

12 (2) The consolidation of services within existing
13 data centers to increase server utilization rates:

14 (3) Any other method that the Federal Chief
15 Information Officer, in consultation with the chief
16 information officers of covered agencies, determines
17 necessary to optimize server utilization:

18 (b) POWER USAGE EFFECTIVENESS.—Each covered
19 agency may use the following methods to achieve the max-
20 imum energy efficiency possible as determined by the Fed-
21 eral Chief Information Officer:

22 (1) The use of the measurement of power usage
23 effectiveness to calculate data center energy effi-
24 ciency:

1 (2) The use of power meters in facilities dedi-
 2 cated to data center operations to frequently meas-
 3 ure power consumption over time.

4 (3) The establishment of power usage effective-
 5 ness goals for each data center.

6 (4) The adoption of best practices for man-
 7 aging—

8 (A) temperature and airflow in facilities
 9 dedicated to data center operations; and

10 (B) power supply efficiency.

11 (5) The implementation of any other method
 12 that the Federal Chief Information Officer, in con-
 13 sultation with the Chief Information Officers of cov-
 14 ered agencies, determines necessary to optimize data
 15 center energy efficiency.

16 **SEC. 205. COST SAVINGS RELATED TO DATA CENTER OPTI-**
 17 **MIZATION.**

18 (a) **REQUIREMENT TO TRACK COSTS.—**

19 (1) **IN GENERAL.—**Each covered agency shall
 20 track costs resulting from implementation of the
 21 Federal Data Center Optimization Initiative within
 22 the agency and submit a report on those costs annu-
 23 ally to the Federal Chief Information Officer. Cov-
 24 ered agencies shall determine the net costs from
 25 data consolidation on an annual basis.

1 ~~(2) FACTORS.—In calculating net costs each~~
2 ~~year under paragraph (1), a covered agency shall~~
3 ~~use the following factors:~~

4 ~~(A) Energy costs.~~

5 ~~(B) Personnel costs.~~

6 ~~(C) Real estate costs.~~

7 ~~(D) Capital expense costs.~~

8 ~~(E) Maintenance and support costs such as~~
9 ~~operating subsystem, database, hardware, and~~
10 ~~software license expense costs.~~

11 ~~(F) Other appropriate costs, as determined~~
12 ~~by the agency in consultation with the Federal~~
13 ~~Chief Information Officer.~~

14 ~~(b) REQUIREMENT TO TRACK SAVINGS.—~~

15 ~~(1) IN GENERAL.—Each covered agency shall~~
16 ~~track realized and projected savings resulting from~~
17 ~~implementation of the Federal Data Center Optimi-~~
18 ~~zation Initiative within the agency and submit a re-~~
19 ~~port on those savings annually to the Federal Chief~~
20 ~~Information Officer. Covered agencies shall deter-~~
21 ~~mine the net savings from data consolidation on an~~
22 ~~annual basis.~~

23 ~~(2) FACTORS.—In calculating net savings each~~
24 ~~year under paragraph (1), a covered agency shall~~
25 ~~use the following factors:~~

1 ~~(A) Energy savings.~~

2 ~~(B) Personnel savings.~~

3 ~~(C) Real estate savings.~~

4 ~~(D) Capital expense savings.~~

5 ~~(E) Maintenance and support savings such~~
 6 ~~as operating subsystem, database, hardware,~~
 7 ~~and software license expense savings.~~

8 ~~(F) Other appropriate savings, as deter-~~
 9 ~~mined by the agency in consultation with the~~
 10 ~~Federal Chief Information Officer.~~

11 ~~(3) PUBLIC AVAILABILITY.—The Federal Chief~~
 12 ~~Information Officer shall make publicly available a~~
 13 ~~summary of realized and projected savings for each~~
 14 ~~covered agency. The Federal Chief Information Offi-~~
 15 ~~cer shall identify any covered agency that failed to~~
 16 ~~provide the annual report required under paragraph~~
 17 ~~(1).~~

18 ~~(c) REQUIREMENT TO USE COST-EFFECTIVE MEAS-~~
 19 ~~URES.—Covered agencies shall use the most cost-effective~~
 20 ~~measures to implement the Federal Data Center Optimi-~~
 21 ~~zation Initiative, such as using estimation to measure or~~
 22 ~~track costs and savings using a methodology approved by~~
 23 ~~the Federal Chief Information Officer.~~

24 ~~(d) GOVERNMENT ACCOUNTABILITY OFFICE RE-~~
 25 ~~VIEW.—Not later than 6 months after the date of the en-~~

1 actment of this Act, the Comptroller General of the United
 2 States shall examine methods for calculating savings from
 3 the Initiative and using them for the purposes identified
 4 in subsection (d), including establishment and use of a
 5 special revolving fund that supports data centers and serv-
 6 er optimization, and shall submit to the Federal Chief In-
 7 formation Officer and Congress a report on the Comp-
 8 troller General's findings and recommendations.

9 **SEC. 206. REPORTING REQUIREMENTS TO CONGRESS AND**
 10 **THE FEDERAL CHIEF INFORMATION OFFI-**
 11 **CER.**

12 ~~(a) AGENCY REQUIREMENT TO REPORT TO CIO.—~~

13 ~~(1) IN GENERAL.—Except as provided in para-~~
 14 ~~graph (2), each covered agency each year shall sub-~~
 15 ~~mit to the Federal Chief Information Officer a re-~~
 16 ~~port on the implementation of the Federal Data~~
 17 ~~Center Optimization Initiative, including savings re-~~
 18 ~~sulting from such implementation. The report shall~~
 19 ~~include an update of the agency's plan for imple-~~
 20 ~~menting the Initiative.~~

21 ~~(2) DEPARTMENT OF DEFENSE.—The Sec-~~
 22 ~~retary of Defense shall comply with paragraph (1)~~
 23 ~~each year by submitting to the Federal Chief Infor-~~
 24 ~~mation Officer a report with relevant information~~
 25 ~~collected under section 2867 of Public Law 112–81~~

1 ~~(10 U.S.C. 2223a note)~~ or a copy of the report re-
 2 quired under section 2867(d) of such law.

3 ~~(b) FEDERAL CHIEF INFORMATION OFFICER RE-~~
 4 ~~QUIREMENT TO REPORT TO CONGRESS.~~—Each year, the
 5 Federal Chief Information Officer shall submit to the rel-
 6 evant congressional committees a report that assesses
 7 agency progress in carrying out the Federal Data Center
 8 Optimization Initiative and updates the plan under section
 9 203. The report may be included as part of the annual
 10 report required under section 3606 of title 44, United
 11 States Code.

12 **TITLE III—ELIMINATION OF DU-**
 13 **PLICATION AND WASTE IN IN-**
 14 **FORMATION TECHNOLOGY**
 15 **ACQUISITION**

16 **SEC. 301. INVENTORY OF INFORMATION TECHNOLOGY**
 17 **SOFTWARE ASSETS.**

18 ~~(a) PLAN.~~—The Director shall develop a plan for con-
 19 ducting a Governmentwide inventory of information tech-
 20 nology software assets.

21 ~~(b) MATTERS COVERED.~~—The plan required by sub-
 22 section (a) shall cover the following:

23 (1) The manner in which Federal agencies can
 24 achieve the greatest possible economies of scale and
 25 cost savings in the procurement of information tech-

1 nology software assets, through measures such as re-
2 ducing the procurement of new software licenses
3 until such time as agency needs exceed the number
4 of existing and unused licenses.

5 (2) The capability to conduct ongoing Govern-
6 mentwide inventories of all existing software licenses
7 on an application-by-application basis, including du-
8 plicative, unused, overused, and underused licenses,
9 and to assess the need of agencies for software li-
10 censes.

11 (3) A Governmentwide spending analysis to
12 provide knowledge about how much is being spent
13 for software products or services to support deci-
14 sions for strategic sourcing under the Federal stra-
15 tegic sourcing program managed by the Office of
16 Federal Procurement Policy.

17 (c) AVAILABILITY.—The inventory of information
18 technology software assets shall be available to Chief In-
19 formation Officers and such other Federal officials as the
20 Chief Information Officers may, in consultation with the
21 Chief Information Officers Council, designate.

22 (d) DEADLINE AND SUBMISSION TO CONGRESS.—
23 Not later than 180 days after the date of the enactment
24 of this Act, the Director shall complete and submit to Con-
25 gress the plan required by subsection (a).

1 (e) IMPLEMENTATION.—Not later than two years
 2 after the date of the enactment of this Act, the Director
 3 shall complete implementation of the plan required by sub-
 4 section (a).

5 (f) REVIEW BY COMPTROLLER GENERAL.—Not later
 6 than two years after the date of the enactment of this Act,
 7 the Comptroller General of the United States shall review
 8 the plan required by subsection (a) and submit to the rel-
 9 evant congressional committees a report on the review.

10 **SEC. 302. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

11 (a) WEBSITE CONSOLIDATION.—The Director
 12 shall—

13 (1) in consultation with Federal agencies, and
 14 after reviewing the directory of public Federal Gov-
 15 ernment websites of each agency (as required to be
 16 established and updated under section 207(f)(3) of
 17 the E-Government Act of 2002 (Public Law 107–
 18 347; 44 U.S.C. 3501 note)); assess all the publicly
 19 available websites of Federal agencies to determine
 20 whether there are duplicative or overlapping
 21 websites; and

22 (2) require Federal agencies to eliminate or
 23 consolidate those websites that are duplicative or
 24 overlapping.

1 (b) WEBSITE TRANSPARENCY.—The Director shall
 2 issue guidance to Federal agencies to ensure that the data
 3 on publicly available websites of the agencies are open and
 4 accessible to the public.

5 (c) MATTERS COVERED.—In preparing the guidance
 6 required by subsection (b), the Director shall—

7 (1) develop guidelines, standards, and best
 8 practices for interoperability and transparency;

9 (2) identify interfaces that provide for shared,
 10 open solutions on the publicly available websites of
 11 the agencies; and

12 (3) ensure that Federal agency Internet home
 13 pages, web-based forms, and web-based applications
 14 are accessible to individuals with disabilities in con-
 15 formance with section 508 of the Rehabilitation Act
 16 of 1973 (29 U.S.C. 794d).

17 (d) DEADLINE FOR GUIDANCE.—The guidance re-
 18 quired by subsection (b) shall be issued not later than 180
 19 days after the date of the enactment of this Act.

20 **SEC. 303. TRANSITION TO THE CLOUD.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
 22 gress that transition to cloud computing offers significant
 23 potential benefits for the implementation of Federal infor-
 24 mation technology projects in terms of flexibility, cost, and
 25 operational benefits.

1 (b) ~~GOVERNMENTWIDE APPLICATION.~~—In assessing
 2 cloud computing opportunities, the Chief Information Of-
 3 ficers Council shall define policies and guidelines for the
 4 adoption of Governmentwide programs providing for a
 5 standardized approach to security assessment and oper-
 6 ational authorization for cloud products and services.

7 (c) ~~ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-~~
 8 ~~TION.~~—In transitioning to the cloud, a Chief Information
 9 Officer of an agency listed in section 901(b) of title 31,
 10 United States Code, may establish such cloud service
 11 Working Capital Funds, in consultation with the Chief Fi-
 12 nancial Officer of the agency, as may be necessary to tran-
 13 sition to cloud-based solutions. Any establishment of a new
 14 Working Capital Fund under this subsection shall be re-
 15 ported to the Committees on Appropriations of the House
 16 of Representatives and the Senate and relevant Congres-
 17 sional committees.

18 **SEC. 304. ELIMINATION OF UNNECESSARY DUPLICATION**
 19 **OF CONTRACTS BY REQUIRING BUSINESS**
 20 **CASE ANALYSIS.**

21 (a) ~~PURPOSE.~~—The purpose of this section is to le-
 22 verage the Government’s buying power and achieve admin-
 23 istrative efficiencies and cost savings by eliminating un-
 24 necessary duplication of contracts.

1 (b) REQUIREMENT FOR BUSINESS CASE AP-
2 PROVAL.—

3 (1) IN GENERAL.—Chapter 33 of title 41,
4 United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 3312. Requirement for business case approval for**
7 **new Governmentwide contracts**

8 “(a) IN GENERAL.—An executive agency may not
9 issue a solicitation for a covered Governmentwide contract
10 unless the agency performs a business case analysis for
11 the contract and obtains an approval of the business case
12 analysis from the Administrator for Federal Procurement
13 Policy.

14 “(b) REVIEW OF BUSINESS CASE ANALYSIS.—

15 “(1) IN GENERAL.—With respect to any cov-
16 ered Governmentwide contract, the Administrator
17 for Federal Procurement Policy shall review the
18 business case analysis submitted for the contract
19 and provide an approval or disapproval within 60
20 days after the date of submission. Any business case
21 analysis not disapproved within such 60-day period
22 is deemed to be approved.

23 “(2) BASIS FOR APPROVAL OF BUSINESS
24 CASE.—The Administrator for Federal Procurement
25 Policy shall approve or disapprove a business case

1 analysis based on the adequacy of the analysis sub-
 2 mitted. The Administrator shall give primary consid-
 3 eration to whether an agency has demonstrated a
 4 compelling need that cannot be satisfied by existing
 5 Governmentwide contract in a timely and cost-effec-
 6 tive manner.

7 “(c) CONTENT OF BUSINESS CASE ANALYSIS.—The
 8 Administrator for Federal Procurement Policy shall issue
 9 guidance specifying the content for a business case anal-
 10 ysis submitted pursuant to this section. At a minimum,
 11 the business case analysis shall include details on the ad-
 12 ministrative resources needed for such contract, including
 13 an analysis of all direct and indirect costs to the Federal
 14 Government of awarding and administering such contract
 15 and the impact such contract will have on the ability of
 16 the Federal Government to leverage its purchasing power.

17 “(b) DEFINITIONS.—In this section:

18 “(1) COVERED GOVERNMENTWIDE CON-
 19 TRACT.—The term ‘covered Governmentwide con-
 20 tract’ means any contract, blanket purchase agree-
 21 ment, or other contractual instrument for acquisition
 22 of information technology or other goods or services
 23 that allows for an indefinite number of orders to be
 24 placed under the contract, agreement, or instrument,
 25 and that is established by one executive agency for

use by multiple executive agencies to obtain goods or services. The term does not include—

“(A) a multiple award schedule contract awarded by the General Services Administration;

“(B) a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40;

“(C) orders under Governmentwide contracts in existence before the effective date of this section; or

“(D) any contract in an amount less than \$10,000,000, determined on an average annual basis.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 41, United States Code, is amended by adding after the item relating to section 3311 the following new item:

“3312. Requirement for business case approval for new Governmentwide contracts.”.

(c) REPORT.—Not later than June 1 in each of the next 6 years following the date of the enactment of this

1 Act, the Administrator for Federal Procurement Policy
2 shall submit to the relevant congressional committees a
3 report on the implementation of section 3312 of title 41,
4 United States Code, as added by subsection (b), including
5 a summary of the submissions, reviews, approvals, and
6 disapprovals of business case analyses pursuant to such
7 section.

8 (d) GUIDANCE.—The Administrator for Federal Pro-
9 curement Policy shall issue guidance for implementing sec-
10 tion 3312 of such title.

11 (e) REVISION OF FAR.—Not later than 180 days
12 after the date of the enactment of this Act, the Federal
13 Acquisition Regulation shall be amended to implement sec-
14 tion 3312 of such title.

15 (g) EFFECTIVE DATE.—Section 3312 of such title is
16 effective on and after 180 days after the date of the enact-
17 ment of this Act.

1 **TITLE IV—STRENGTHENING AND**
 2 **STREAMLINING INFORMATION**
 3 **TECHNOLOGY ACQUISITION**
 4 **MANAGEMENT PRACTICES**
 5 **TICES**

6 **Subtitle A—Strengthening and**
 7 **Streamlining IT Program Man-**
 8 **agement Practices**

9 **SEC. 401. PILOT PROGRAM ON INTERAGENCY COLLABORA-**
 10 **TION.**

11 (a) **PILOT PROGRAM.—**

12 (1) **IN GENERAL.**—Chapter 115 of title 40,
 13 United States Code, is amended to read as follows:

14 **“CHAPTER 115—INFORMATION TECH-**
 15 **NOLOGY ACQUISITION MANAGEMENT**
 16 **PRACTICES**

“Sec.

“11501. Pilot program on interagency collaboration.

17 **“§ 11501. Pilot program on interagency collaboration**

18 **“(a) REQUIREMENT TO CONDUCT PILOT PRO-**

19 **GRAM.**—The Director of the Office of Management and

20 Budget shall conduct a three-year pilot program in accord-

21 ance with the requirements of this section to test alter-

22 native approaches for the management of commonly used

23 information technology by executive agencies.

1 “(b) ~~ESTABLISHMENT AND PURPOSES.—~~For pur-
 2 poses of the pilot program, the Director of the Office of
 3 Management and Budget shall establish a Federal Infra-
 4 structure and Common Application Collaboration Center
 5 (hereafter in this section referred to as the ‘Collaboration
 6 Center’) within the Office of Electronic Government estab-
 7 lished under section 3602 of title 44. The purpose of the
 8 Collaboration Center is to serve as a resource for Federal
 9 agencies, available on an optional-use basis, to assist and
 10 promote coordinated program management practices and
 11 to develop and maintain requirements for the acquisition
 12 of IT infrastructure and common applications commonly
 13 used by various Federal agencies.

14 “(c) ~~ORGANIZATION OF CENTER.—~~

15 “(1) ~~MEMBERSHIP.—~~The Center shall consist
 16 of the following members:

17 “(A) An appropriate number, as deter-
 18 mined by the CIO Council, but not less than
 19 12, full-time program managers or cost special-
 20 ists, all of whom have appropriate experience in
 21 the private or Government sector in managing
 22 or overseeing acquisitions of IT infrastructure
 23 and common applications.

24 “(B) At least 1 full-time detailee from
 25 each of the Federal agencies listed in section

1 901(b) of title 31, nominated by the respective
 2 agency chief information officer for a detail pe-
 3 riod of not less than 1 year.

4 “(2) WORKING GROUPS.—The Collaboration
 5 Center shall have working groups that specialize in
 6 IT infrastructure and common applications identi-
 7 fied by the CIO Council. Each working group shall
 8 be headed by a separate dedicated program manager
 9 appointed by the Federal Chief Information Officer.

10 “(d) CAPABILITIES AND FUNCTIONS OF THE COL-
 11 LABORATION CENTER.—For each of the IT infrastructure
 12 and common application areas identified by the CIO Coun-
 13 cil, the Collaboration Center shall perform the following
 14 roles, and any other functions as directed by the Federal
 15 Chief Information Officer:

16 “(1) Develop, maintain, and disseminate re-
 17 quirements suitable to establish contracts that will
 18 meet the common and general needs of various Fed-
 19 eral agencies as determined by the Center. In doing
 20 so, the Center shall give maximum consideration to
 21 the adoption of commercial standards and industry
 22 acquisition best practices, including opportunities for
 23 shared services, consideration of total cost of owner-
 24 ship, preference for industry-neutral functional spec-
 25 ifications leveraging open industry standards and

1 competition, and use of long-term contracts, as ap-
 2 propriate.

3 “(2) Develop, maintain, and disseminate reli-
 4 able cost estimates.

5 “(3) Lead the review of significant or troubled
 6 IT investments or acquisitions as identified by the
 7 CIO Council.

8 “(4) Provide expert aid to troubled IT invest-
 9 ments or acquisitions.

10 “(e) GUIDANCE.—The Director, in consultation with
 11 the Chief Information Officers Council, shall issue guid-
 12 ance addressing the scope and operation of the Collabora-
 13 tion Center. The guidance shall require that the collabora-
 14 tion Center report to the Federal Chief Information Offi-
 15 cer.

16 “(f) REPORT TO CONGRESS.—

17 “(1) IN GENERAL.—The Director shall annually
 18 submit to the relevant congressional committees a
 19 report detailing the organization, staff, and activities
 20 of the Collaboration Center, including—

21 “(A) a list of IT infrastructure and com-
 22 mon applications the Center assisted;

23 “(B) an assessment of the Center’s
 24 achievement in promoting efficiency, shared
 25 services, and elimination of unnecessary Gov-

1 ernment requirements that are contrary to com-
2 mercial best practices; and

3 ~~“(C) the use and expenditure of amounts~~
4 ~~in the Fund established under subsection (i).~~

5 ~~“(2) INCLUSION IN OTHER REPORT.—The re-~~
6 ~~port may be included as part of the annual E-Gov-~~
7 ~~ernment status report required under section 3606~~
8 ~~of title 44.~~

9 ~~“(g) GUIDELINES FOR ACQUISITION OF IT INFRA-~~
10 ~~STRUCTURE AND COMMON APPLICATIONS.—~~

11 ~~“(1) GUIDELINES.—The Collaboration Center~~
12 ~~shall establish guidelines that, to the maximum ex-~~
13 ~~tent possible, eliminate inconsistent practices among~~
14 ~~executive agencies and ensure uniformity and con-~~
15 ~~sistency in acquisition processes for IT infrastruc-~~
16 ~~ture and common applications across the Federal~~
17 ~~Government.~~

18 ~~“(2) CENTRAL WEBSITE.—In preparing the~~
19 ~~guidelines, the Collaboration Center, in consultation~~
20 ~~with the Chief Acquisition Officers Council, shall~~
21 ~~offer executive agencies the option of accessing a~~
22 ~~central website for best practices, templates, and~~
23 ~~other relevant information.~~

24 ~~“(h) PRICING TRANSPARENCY.—The Collaboration~~
25 ~~Center, in collaboration with the Office of Federal Pro-~~

1 curement Policy, the Chief Acquisition Officers Council,
2 the General Services Administration, and the Assisted Ac-
3 quisition Centers of Excellence, shall compile a price list
4 and catalogue containing current pricing information by
5 vendor for each of its IT infrastructure and common appli-
6 cations categories. The price catalogue shall contain any
7 price provided by a vendor in a contract awarded for the
8 same or similar good or service to any executive agency.
9 The catalogue shall be developed in a fashion ensuring
10 that it may be used for pricing comparisons and pricing
11 analysis using standard data formats. The price catalogue
12 shall not be made public, but shall be accessible to execu-
13 tive agencies.

14 “(i) AUTHORIZATION TO USE FUND.—In any fiscal
15 year, notwithstanding section 321(c) of title 40, up to five
16 percent of the fees collected during the prior fiscal year
17 under the multiple award schedule contracts entered into
18 by the Administrator of General Services and credited to
19 the Acquisition Services Fund under section 321 of title
20 40, may be used to fund the activities of the Collaboration
21 Center. Each fiscal year, the Director, in consultation with
22 the Federal Chief Information Officer, shall determine an
23 appropriate amount needed to operate the Collaboration
24 Center and the Administrator of General Services shall
25 transfer amounts only to the extent and in such amounts

1 as are provided in advance in appropriation acts from the
 2 Fund to the Director for the Center.

3 ~~“(j) DEFINITIONS.—In this section:~~

4 ~~“(1) EXECUTIVE AGENCY.—The term ‘executive~~
 5 ~~agency’ has the meaning provided that term by sec-~~
 6 ~~tion 105 of title 5.~~

7 ~~“(2) FEDERAL CHIEF INFORMATION OFFI-~~
 8 ~~CER.—The term ‘Federal Chief Information Officer’~~
 9 ~~means the Administrator of the Office of Electronic~~
 10 ~~Government established under section 3602 of title~~
 11 ~~44.~~

12 ~~“(3) RELEVANT CONGRESSIONAL COMMIT-~~
 13 ~~TEES.—The term ‘relevant congressional commit-~~
 14 ~~tees’ means each of the following:~~

15 ~~“(A) The Committee on Oversight and~~
 16 ~~Government Reform and the Committee on~~
 17 ~~Armed Services of the House of Representa-~~
 18 ~~tives.~~

19 ~~“(B) The Committee on Homeland Secu-~~
 20 ~~rity and Governmental Affairs and the Com-~~
 21 ~~mittee on Armed Services of the Senate.”.~~

22 ~~(2) CLERICAL AMENDMENT.—The item relating~~
 23 ~~to chapter 115 in the table of chapters at the begin-~~
 24 ~~ning of subtitle III of title 40, United States Code,~~
 25 ~~is amended to read as follows:~~

**“115. Information Technology Acquisition Management
Practices11501”.**

1 ~~(b) DEADLINES.—~~

2 ~~(1) GUIDANCE.—Not later than 180 days after~~
3 ~~the date of the enactment of this Act, the Director~~
4 ~~shall issue guidance under section 11501(c) of title~~
5 ~~40, United States Code, as added by subsection (a).~~

6 ~~(2) CENTER.—Not later than 1 year after the~~
7 ~~date of the enactment of this Act, the Director shall~~
8 ~~establish the Federal Infrastructure and Common~~
9 ~~Application Collaboration Center, in accordance with~~
10 ~~section 11501(b) of such title, as so added.~~

11 ~~(3) GUIDELINES.—Not later than 2 years after~~
12 ~~the date of the enactment of this Act, the Federal~~
13 ~~Infrastructure and Common Application Collabora-~~
14 ~~tion Center shall establish guidelines in accordance~~
15 ~~with section 11501(g) of such title, as so added.~~

16 ~~(c) CONFORMING AMENDMENT.—Section 3602(c) of~~
17 ~~title 44, United States Code, is amended—~~

18 ~~(1) by striking “and” at the end of paragraph~~
19 ~~(2);~~

20 ~~(2) by redesignating paragraph (3) as para-~~
21 ~~graph (4); and~~

22 ~~(3) by inserting after paragraph (2) the fol-~~
23 ~~lowing new paragraph (3):~~

1 ~~“(3) all of the functions of the Federal Infra-~~
 2 ~~structure and Common Application Collaboration~~
 3 ~~Center, as required under section 11501 of title 40;~~
 4 ~~and”.~~

5 **SEC. 402. DESIGNATION OF ASSISTED ACQUISITION CEN-**
 6 **TERS OF EXCELLENCE.**

7 ~~(a) DESIGNATION.~~—Chapter 115 of title 40, United
 8 States Code, as amended by section 401, is further amend-
 9 ed by adding at the end the following new section:

10 ~~“SEC. 11502. ASSISTED ACQUISITION CENTERS OF EXCEL-~~
 11 ~~LENCE.~~

12 ~~“(a) PURPOSE.~~—The purpose of this section is to de-
 13 velop specialized assisted acquisition centers of excellence
 14 within the Federal Government to serve as a resource for
 15 Federal agencies, available on an optional-use basis, to as-
 16 sist and promote—

17 ~~“(1) the effective use of best acquisition prae-~~
 18 ~~tices;~~

19 ~~“(2) the development of specialized expertise in~~
 20 ~~the acquisition of information technology; and~~

21 ~~“(3) Governmentwide sharing of acquisition ea-~~
 22 ~~pability to augment any shortage in the information~~
 23 ~~technology acquisition workforce.~~

24 ~~“(b) DESIGNATION OF AACES.~~—Not later than 1
 25 year after the date of the enactment of this section, and

1 every 3 years thereafter, the Director of the Office of Man-
 2 agement and Budget, in consultation with the Chief Ac-
 3 quisition Officers Council and the Chief Information Offi-
 4 cers Council, shall designate, redesignate, or withdraw the
 5 designation of acquisition centers of excellence within var-
 6 ious executive agencies to carry out the functions set forth
 7 in subsection (d) in an area of specialized acquisition ex-
 8 pertise as determined by the Director. Each such center
 9 of excellence shall be known as an ‘Assisted Acquisition
 10 Center of Excellence’ or an ‘AACE’.

11 “(e) USE OF EXISTING AUTHORITY.—This section
 12 provides no new authority to establish a franchise fund
 13 or revolving fund.

14 “(d) FUNCTIONS.—The functions of each AACE are
 15 as follows:

16 “(1) BEST PRACTICES.—To promote, develop,
 17 and implement the use of best acquisition practices
 18 in the area of specialized acquisition expertise that
 19 the AACE is designated to carry out by the Director
 20 under subsection (b).

21 “(2) ASSISTED ACQUISITIONS.—To assist all
 22 Government agencies in the expedient, strategic, and
 23 cost-effective acquisition of the information tech-
 24 nology goods or services covered by such area of spe-
 25 cialized acquisition expertise by engaging in repeated

1 and frequent acquisition of similar information tech-
2 nology requirements.

3 ~~“(3) DEVELOPMENT AND TRAINING OF IT AC-~~
4 ~~QUISITION WORKFORCE.—~~To assist in recruiting and
5 training IT acquisition cadres (referred to in section
6 1704(j) of title 41).

7 ~~“(e) CRITERIA.—~~In designating, redesignating, or
8 withdrawing the designation of an AACE, the Director
9 shall consider, at a minimum, the following matters:

10 ~~“(1) The subject matter expertise of the host~~
11 ~~agency in a specific area of information technology~~
12 ~~acquisition.~~

13 ~~“(2) For acquisitions of IT infrastructure and~~
14 ~~common applications covered by the Federal Infra-~~
15 ~~structure and Common Application Collaboration~~
16 ~~Center authorized under section 11501 of this title,~~
17 ~~the ability and willingness to collaborate with the~~
18 ~~Collaboration Center and adhere to the requirements~~
19 ~~standards established by the Collaboration Center.~~

20 ~~“(3) The ability of an AACE to develop cus-~~
21 ~~tomized requirements documents that meet the~~
22 ~~needs of executive agencies as well as the current in-~~
23 ~~dustry standards and commercial best practices.~~

24 ~~“(4) The ability of an AACE to consistently~~
25 ~~award and manage various contracts, task or deliv-~~

1 ery orders, and other acquisition arrangements in a
2 timely, cost-effective, and compliant manner.

3 ~~“(5) The ability of an AACE to aggregate de-~~
4 mands from multiple executive agencies for similar
5 information technology goods or services and fulfill
6 those demands in one acquisition.

7 ~~“(6) The ability of an AACE to acquire innova-~~
8 tive or emerging commercial and noncommercial
9 technologies using various contracting methods, in-
10 cluding ways to lower the entry barriers for small
11 businesses with limited Government contracting ex-
12 periences.

13 ~~“(7) The ability of an AACE to maximize com-~~
14 mercial item acquisition, effectively manage high-risk
15 contract types, increase competition, promote small
16 business participation, and maximize use of available
17 Governmentwide contracts.

18 ~~“(8) The existence of an in-house cost esti-~~
19 mating group with expertise to consistently develop
20 reliable cost estimates that are accurate, comprehen-
21 sive, well-documented, and credible.

22 ~~“(9) The ability of an AACE to employ best~~
23 practices and educate requesting agencies, to the
24 maximum extent practicable, regarding critical fac-

tors underlying successful major IT acquisitions, including the following factors:

“(A) Active engagement by program officials with stakeholders.

“(B) Possession by program staff of the necessary knowledge and skills.

“(C) Support of the programs by senior department and agency executives.

“(D) Involvement by end users and stakeholders in the development of requirements.

“(E) Participation by end users in testing of system functionality prior to formal end user acceptance testing.

“(F) Stability and consistency of Government and contractor staff.

“(G) Prioritization of requirements by program staff.

“(H) Maintenance of regular communication with the prime contractor by program officials.

“(I) Receipt of sufficient funding by programs.

“(10) The ability of an AACE to run an effective acquisition intern program in collaboration with

1 the Federal Acquisition Institute or the Defense Ac-
 2 quisition University.

3 ~~“(11) The ability of an AACE to effectively and~~
 4 ~~properly manage fees received for assisted acqui-~~
 5 ~~sitions pursuant to this section.~~

6 ~~“(f) FUNDS RECEIVED BY AACEs.—~~

7 ~~“(1) AVAILABILITY.—Notwithstanding any~~
 8 ~~other provision of law or regulation, funds obligated~~
 9 ~~and transferred from an executive agency in a fiscal~~
 10 ~~year to an AACE for the acquisition of goods or~~
 11 ~~services covered by an area of specialized acquisition~~
 12 ~~expertise of an AACE, regardless of whether the re-~~
 13 ~~quirements are severable or non-severable, shall re-~~
 14 ~~main available for awards of contracts by the AACE~~
 15 ~~for the same general requirements for the next 5 fis-~~
 16 ~~cal years following the fiscal year in which the funds~~
 17 ~~were transferred.~~

18 ~~“(2) TRANSITION TO NEW AACE.—If the~~
 19 ~~AACE to which the funds are provided under para-~~
 20 ~~graph (1) becomes unable to fulfill the requirements~~
 21 ~~of the executive agency from which the funds were~~
 22 ~~provided, the funds may be provided to a different~~
 23 ~~AACE to fulfill such requirements. The funds so~~
 24 ~~provided shall be used for the same purpose and re-~~

1 main available for the same period of time as applied
 2 when provided to the original AACE.

3 ~~“(3) RELATIONSHIP TO EXISTING AUTHORITIES.—~~This subsection does not limit any existing
 4 authorities an AACE may have under its revolving
 5 or working capital funds authorities.
 6

7 ~~“(g) GOVERNMENT ACCOUNTABILITY OFFICE RE-~~
 8 ~~VIEW OF AACE.—~~

9 ~~“(1) REVIEW.—~~The Comptroller General of the
 10 United States shall review and assess—

11 ~~“(A) the use and management of fees re-~~
 12 ~~ceived by the AACEs pursuant to this section~~
 13 ~~to ensure that an appropriate fee structure is~~
 14 ~~established and enforced to cover activities ad-~~
 15 ~~ressed in this section and that no excess fees~~
 16 ~~are charged or retained; and~~

17 ~~“(B) the effectiveness of the AACEs in~~
 18 ~~achieving the purpose described in subsection~~
 19 ~~(a), including review of contracts.~~

20 ~~“(2) REPORTS.—~~Not later than 1 year after the
 21 designation or redesignation of AACES under sub-
 22 section (b), the Comptroller General shall submit to
 23 the relevant congressional committees a report con-
 24 taining the findings and assessment under para-
 25 graph (1).

1 “(h) DEFINITIONS.—In this section:

2 “(1) ASSISTED ACQUISITION.—The term ‘as-

3 sisted acquisition’ means a type of interagency ac-

4 quisition in which the parties enter into an inter-

5 agency agreement pursuant to which—

6 “(A) the servicing agency performs acquisi-

7 tion activities on the requesting agency’s behalf,

8 such as awarding, administering, or closing out

9 a contract, task order, delivery order, or blanket

10 purchase agreement; and

11 “(B) funding is provided through a fran-

12 chise fund, the Acquisition Services Fund in

13 section 321 of this title, sections 1535 and

14 1536 of title 31, or other available methods.

15 “(2) EXECUTIVE AGENCY.—The term ‘executive

16 agency’ has the meaning provided that term by sec-

17 tion 133 of title 41.

18 “(3) RELEVANT CONGRESSIONAL COMMIT-

19 TEES.—The term ‘relevant congressional commit-

20 tees’ has the meaning provided that term by section

21 11501 of this title.

22 “(i) REVISION OF FAR.—The Federal Acquisition

23 Regulation shall be amended to implement this section.”.

24 (b) CLERICAL AMENDMENT.—The table of sections

25 at the beginning of chapter 115 of title 40, United States

1 Code, as amended by section 401, is further amended by
 2 adding at the end the following new item:

“11502. Assisted Acquisition Centers of Excellence.”.

3 **Subtitle B—Strengthening IT**
 4 **Acquisition Workforce**

5 **SEC. 411. EXPANSION OF TRAINING AND USE OF INFORMA-**
 6 **TION TECHNOLOGY ACQUISITION CADRES.**

7 (a) **PURPOSE.**—The purpose of this section is to en-
 8 sure timely progress by Federal agencies toward devel-
 9 oping, strengthening, and deploying personnel with highly
 10 specialized skills in information technology acquisition, in-
 11 cluding program and project managers, to be known as
 12 information technology acquisition cadres.

13 (b) **REPORT TO CONGRESS.**—Section 1704 of title
 14 41, United States Code, is amended by adding at the end
 15 the following new subsection:

16 “(j) **STRATEGIC PLAN ON INFORMATION TECH-**
 17 **NOLOGY ACQUISITION CADRES.**—

18 “(1) **FIVE-YEAR STRATEGIC PLAN TO CON-**
 19 **GRESS.**—Not later than June 1 following the date of
 20 the enactment of this subsection, the Director shall
 21 submit to the relevant congressional committees a 5-
 22 year strategic plan (to be known as the ‘IT Acquisi-
 23 tion Cadres Strategic Plan’) to develop, strengthen,
 24 and solidify information technology acquisition cad-
 25 res. The plan shall include a timeline for implemen-

1 tation of the plan and identification of individuals
2 responsible for specific elements of the plan during
3 the 5-year period covered by the plan.

4 “(2) MATTERS COVERED.—The plan shall ad-
5 dress, at a minimum, the following matters:

6 “(A) Current information technology ac-
7 quisition staffing challenges in Federal agen-
8 cies, by previous year’s information technology
9 acquisition value, and by the Federal Govern-
10 ment as a whole.

11 “(B) The variety and complexity of infor-
12 mation technology acquisitions conducted by
13 each Federal agency covered by the plan, and
14 the specialized information technology acquisi-
15 tion workforce needed to effectively carry out
16 such acquisitions.

17 “(C) The development of a sustainable
18 funding model to support efforts to hire, retain,
19 and train an information technology acquisition
20 cadre of appropriate size and skill to effectively
21 carry out the acquisition programs of the Fed-
22 eral agencies covered by the plan, including an
23 examination of interagency funding methods
24 and a discussion of how the model of the De-

1 fense Acquisition Workforce Development Fund
2 could be applied to civilian agencies.

3 “(D) Any strategic human capital planning
4 necessary to hire, retain, and train an informa-
5 tion acquisition cadre of appropriate size and
6 skill at each Federal agency covered by the
7 plan.

8 “(E) Governmentwide training standards
9 and certification requirements necessary to en-
10 hance the mobility and career opportunities of
11 the Federal information technology acquisition
12 cadre within the Federal agencies covered by
13 the plan.

14 “(F) New and innovative approaches to
15 workforce development and training, including
16 cross-functional training, rotational develop-
17 ment, and assignments both within and outside
18 the Government.

19 “(G) Appropriate consideration and align-
20 ment with the needs and priorities of the Infra-
21 structure and Common Application Collabora-
22 tion Center, Assisted Acquisition Centers of Ex-
23 cellence, and acquisition intern programs.

24 “(H) Assessment of the current workforce
25 competency and usage trends in evaluation

1 technique to obtain best value, including proper
2 handling of tradeoffs between price and
3 nonprice factors.

4 “(I) Assessment of the current workforce
5 competency in designing and aligning perform-
6 ance goals, life cycle costs, and contract incen-
7 tives.

8 “(J) Assessment of the current workforce
9 competency in avoiding brand-name preference
10 and using industry-neutral functional specifica-
11 tions to leverage open industry standards and
12 competition.

13 “(K) Use of integrated program teams, in-
14 cluding fully dedicated program managers, for
15 each complex information technology invest-
16 ment.

17 “(L) Proper assignment of recognition or
18 accountability to the members of an integrated
19 program team for both individual functional
20 goals and overall program success or failure.

21 “(M) The development of a technology fel-
22 lows program that includes provisions for re-
23 cruiting, for rotation of assignments, and for
24 partnering directly with universities with well-
25 recognized information technology programs.

1 “(N) The capability to properly manage
2 other transaction authority (where such author-
3 ity is granted), including ensuring that the use
4 of the authority is warranted due to unique
5 technical challenges, rapid adoption of innova-
6 tive or emerging commercial or noncommercial
7 technologies, or other circumstances that can-
8 not readily be satisfied using a contract, grant,
9 or cooperative agreement in accordance with ap-
10 plicable law and the Federal Acquisition Regu-
11 lation.

12 “(O) The use of student internship and
13 scholarship programs as a talent pool for per-
14 manent hires and the use and impact of special
15 hiring authorities and flexibilities to recruit di-
16 verse candidates.

17 “(P) The assessment of hiring manager
18 satisfaction with the hiring process and hiring
19 outcomes, including satisfaction with the quality
20 of applicants interviewed and hires made.

21 “(Q) The assessment of applicant satisfac-
22 tion with the hiring process, including the clar-
23 ity of the hiring announcement, the user-friend-
24 liness of the application process, communication
25 from the hiring manager or agency regarding

1 application status, and timeliness of the hiring
2 decision.

3 “(R) The assessment of new hire satisfac-
4 tion with the onboarding process, including the
5 orientation process, and investment in training
6 and development for employees during their
7 first year of employment.

8 “(S) Any other matters the Director con-
9 siderers appropriate.

10 “(3) ANNUAL REPORT.—Not later than June 1
11 in each of the 5 years following the year of submis-
12 sion of the plan required by paragraph (1), the Di-
13 rector shall submit to the relevant congressional
14 committees an annual report outlining the progress
15 made pursuant to the plan.

16 “(4) GOVERNMENT ACCOUNTABILITY OFFICE
17 REVIEW OF THE PLAN AND ANNUAL REPORT.—

18 “(A) Not later than 1 year after the sub-
19 mission of the plan required by paragraph (1),
20 the Comptroller General of the United States
21 shall review the plan and submit to the relevant
22 congressional committees a report on the re-
23 view.

24 “(B) Not later than 6 months after the
25 submission of the first, third, and fifth annual

report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General's findings and recommendations to ensure the objectives of the plan are accomplished.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘Federal agency’ means each agency listed in section 901(b) of title 31.

“(B) The term ‘relevant congressional committees’ means each of the following:

“(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”.

SEC. 412. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.

(a) PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.—Not later than June 1 following the date of the enactment of this Act,

1 the Director, in consultation with the Director of the Of-
 2 fice of Personnel Management, shall submit to the relevant
 3 congressional committees a plan for improving manage-
 4 ment of IT programs and projects.

5 (b) MATTERS COVERED.—The plan required by sub-
 6 section (a) shall include, at a minimum, the following:

7 (1) Creation of a specialized career path for
 8 program management.

9 (2) The development of a competency model for
 10 program management consistent with the IT project
 11 manager model.

12 (3) A career advancement model that requires
 13 appropriate expertise and experience for advance-
 14 ment.

15 (4) A career advancement model that is more
 16 competitive with the private sector and that recog-
 17 nizes both Government and private sector experi-
 18 ence.

19 (5) Appropriate consideration and alignment
 20 with the needs and priorities of the Infrastructure
 21 and Common Application Collaboration Center, the
 22 Assisted Acquisition Centers of Excellence, and ac-
 23 quisition intern programs.

24 (c) COMBINATION WITH OTHER CADRES PLAN.—

25 The Director may combine the plan required by subsection

1 (a) with the IT Acquisition Cadres Strategic Plan required
 2 under section 1704(j) of title 41, United States Code, as
 3 added by section 411.

4 **SEC. 413. PERSONNEL AWARDS FOR EXCELLENCE IN THE**
 5 **ACQUISITION OF INFORMATION SYSTEMS**
 6 **AND INFORMATION TECHNOLOGY.**

7 (a) IN GENERAL.—Not later than 180 days after the
 8 date of the enactment of this Act, the Director of the Of-
 9 fice of Personnel Management shall develop policy and
 10 guidance for agencies to develop a program to recognize
 11 excellent performance by Federal Government employees
 12 and teams of such employees in the acquisition of informa-
 13 tion systems and information technology for the agency.

14 (b) ELEMENTS.—The program referred to in sub-
 15 section (a) shall, to the extent practicable—

16 (1) obtain objective outcome measures; and

17 (2) include procedures for—

18 (A) the nomination of Federal Government
 19 employees and teams of such employees for eli-
 20 gibility for recognition under the program; and

21 (B) the evaluation of nominations for rec-
 22 ognition under the program by 1 or more agen-
 23 cy panels of individuals from Government, aca-
 24 demia, and the private sector who have such ex-
 25 pertise, and are appointed in such a manner, as

1 the Director of the Office of Personal Manage-
2 ment shall establish for purposes of the pro-
3 gram.

4 ~~(c) AWARD OF CASH BONUSES AND OTHER INCEN-~~
5 ~~TIVES.~~—In carrying out the program referred to in sub-
6 section ~~(a)~~, the Director of the Office of Personnel Man-
7 agement, in consultation with the Director of the Office
8 of Management and Budget, shall establish policies and
9 guidance for agencies to reward any Federal Government
10 employee or teams of such employees recognized pursuant
11 to the program—

12 ~~(1)~~ with a cash bonus, to the extent that the
13 performance of such individual or team warrants the
14 award of such bonus and is authorized by any provi-
15 sion of law;

16 ~~(2)~~ through promotions and other nonmonetary
17 awards;

18 ~~(3)~~ by publicizing—

19 ~~(A)~~ acquisition accomplishments by indi-
20 vidual employees; and

21 ~~(B)~~ the tangible end benefits that resulted
22 from such accomplishments, as appropriate;
23 and

1 (4) through other awards, incentives, or bo-
 2 nuses that the head of the agency considers appro-
 3 priate.

4 **TITLE V—ADDITIONAL REFORMS**

5 **SEC. 501. MAXIMIZING THE BENEFIT OF THE FEDERAL** 6 **STRATEGIC SOURCING INITIATIVE.**

7 Not later than 180 days after the date of the enact-
 8 ment of this Act, the Administrator for Federal Procure-
 9 ment Policy shall prescribe regulations providing that
 10 when the Federal Government makes a purchase of serv-
 11 ices and supplies offered under the Federal Strategic
 12 Sourcing Initiative (managed by the Office of Federal Pro-
 13 curement Policy) but such Initiative is not used, the con-
 14 tract file for the purchase shall include a brief analysis
 15 of the comparative value, including price and nonprice fac-
 16 tors, between the services and supplies offered under such
 17 Initiative and services and supplies offered under the
 18 source or sources used for the purchase.

19 **SEC. 502. GOVERNMENTWIDE SOFTWARE PURCHASING** 20 **PROGRAM.**

21 (a) **IN GENERAL.**—The Administrator of General
 22 Services, in collaboration with the Department of Defense,
 23 shall identify and develop a strategic sourcing initiative
 24 to enhance Governmentwide acquisition, shared use, and

1 dissemination of software, as well as compliance with end
2 user license agreements.

3 (b) EXAMINATION OF METHODS.—In developing the
4 initiative under subsection (a), the Administrator shall ex-
5 amine the use of realistic and effective demand aggrega-
6 tion models supported by actual agency commitment to
7 use the models, and supplier relationship management
8 practices, to more effectively govern the Government's ac-
9 quisition of information technology.

10 (c) GOVERNMENTWIDE USER LICENSE AGREE-
11 MENT.—The Administrator, in developing the initiative
12 under subsection (a), shall allow for the purchase of a li-
13 cense agreement that is available for use by all executive
14 agencies as one user to the maximum extent practicable
15 and as appropriate.

16 **SEC. 503. PROMOTING TRANSPARENCY OF BLANKET PUR-**
17 **CHASE AGREEMENTS.**

18 (a) PRICE INFORMATION TO BE TREATED AS PUB-
19 LIC INFORMATION.—The final negotiated price offered by
20 an awardee of a blanket purchase agreement shall be
21 treated as public information.

22 (b) PUBLICATION OF BLANKET PURCHASE AGREE-
23 MENT INFORMATION.—Not later than 180 days after the
24 date of the enactment of this Act, the Administrator of
25 General Services shall make available to the public a list

1 of all blanket purchase agreements entered into by Federal
 2 agencies under its Federal Supply Schedules contracts and
 3 the prices associated with those blanket purchase agree-
 4 ments. The list and price information shall be updated at
 5 least once every 6 months.

6 **SEC. 504. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**
 7 **SOLICITATIONS.**

8 Section 3306(d) of title 41, United States Code, is
 9 amended—

10 (1) by striking “or” at the end of paragraph
 11 (1);

12 (2) by striking the period and inserting “; or”
 13 at the end of paragraph (2); and

14 (3) by adding at the end the following new
 15 paragraph:

16 “(3) stating in the solicitation that the award
 17 will be made using a fixed price technical competi-
 18 tion, under which all offerors compete solely on
 19 nonprice factors and the fixed award price is pre-an-
 20 nounced in the solicitation.”.

21 **SEC. 505. ENHANCED TRANSPARENCY IN INFORMATION**
 22 **TECHNOLOGY INVESTMENTS.**

23 (a) PUBLIC AVAILABILITY OF INFORMATION ABOUT
 24 IT INVESTMENTS.—Section 41302(e) of title 40, United
 25 States Code, is amended—

1 (1) by redesignating paragraph (2) as para-
2 graph (3); and

3 (2) by inserting after paragraph (1) the fol-
4 lowing new paragraph:

5 “(2) PUBLIC AVAILABILITY.—

6 “(A) IN GENERAL.—The Director shall
7 make available to the public the cost, schedule,
8 and performance data for all of the IT invest-
9 ments listed in subparagraph (B), notwith-
10 standing whether the investments are for new
11 IT acquisitions or for operations and mainte-
12 nance of existing IT.

13 “(B) INVESTMENTS LISTED.—The invest-
14 ments listed in this subparagraph are the fol-
15 lowing:

16 “(i) At least 80 percent (by dollar
17 value) of all information technology invest-
18 ments Governmentwide.

19 “(ii) At least 60 percent (by dollar
20 value) of all information technology invest-
21 ments in each Federal agency listed in sec-
22 tion 901(b) of title 31.

23 “(iii) Every major information tech-
24 nology investment (as defined by the Office
25 of Management and Budget) in each Fed-

1 eral agency listed in section 901(b) of title
2 31.

3 ~~“(C) QUARTERLY REVIEW AND CERTIFI-~~
4 ~~CATION.—~~For each investment listed in sub-
5 paragraph (B), the agency Chief Information
6 Officer and the program manager of the invest-
7 ment within the agency shall certify, at least
8 once every quarter, that the information is cur-
9 rent, accurate, and reflects the risks associated
10 with each listed investment. The Director shall
11 conduct quarterly reviews and publicly identify
12 agencies with an incomplete certification or
13 with significant data quality issues.

14 ~~“(D) CONTINUOUS AVAILABILITY.—~~The
15 information required under subparagraph (A),
16 in its most updated form, shall be publicly
17 available at all times.

18 ~~“(E) WAIVER OR LIMITATION AUTHOR-~~
19 ~~ITY.—~~The applicability of subparagraph (A)
20 may be waived or the extent of the information
21 may be limited—

22 ~~“(i) by the Director, with respect to~~
23 IT investments Governmentwide; and

1 “(ii) by the Chief Information Officer
2 of a Federal agency, with respect to IT in-
3 vestments in that agency;
4 if the Director or the Chief Information Officer,
5 as the case may be, determines that such a
6 waiver or limitation is in the national security
7 interests of the United States.”.

8 (b) **ADDITIONAL REPORT REQUIREMENTS.**—Para-
9 graph (3) of section 11302(e) of such title, as redesignated
10 by subsection (a), is amended by adding at the end the
11 following: “The report shall include an analysis of agency
12 trends reflected in the performance risk information re-
13 quired in paragraph (2).”.

14 **SEC. 506. ENHANCED COMMUNICATION BETWEEN GOVERN-**
15 **MENT AND INDUSTRY.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Federal Acquisition Regulatory
18 Council shall prescribe a regulation making clear that
19 agency acquisition personnel are permitted and encour-
20 aged to engage in responsible and constructive exchanges
21 with industry, so long as those exchanges are consistent
22 with existing law and regulation and do not promote an
23 unfair competitive advantage to particular firms.

1 **SEC. 507. CLARIFICATION OF CURRENT LAW WITH RE-**
2 **SPECT TO TECHNOLOGY NEUTRALITY IN AC-**
3 **QUISITION OF SOFTWARE.**

4 (a) **PURPOSE.**—The purpose of this section is to es-
5 tablish guidance and processes to clarify that software ac-
6 quisitions by the Federal Government are to be made
7 using merit-based requirements development and evalua-
8 tion processes that promote procurement choices—

9 (1) based on performance and value, including
10 the long-term value proposition to the Federal Gov-
11 ernment;

12 (2) free of preconceived preferences based on
13 how technology is developed, licensed, or distributed;
14 and

15 (3) generally including the consideration of pro-
16 prietary, open source, and mixed source software
17 technologies.

18 (b) **TECHNOLOGY NEUTRALITY.**—Nothing in this
19 section shall be construed to modify the Federal Govern-
20 ment's long-standing policy of following technology-neu-
21 tral principles and practices when selecting and acquiring
22 information technology that best fits the needs of the Fed-
23 eral Government.

24 (c) **GUIDANCE.**—Not later than 180 days after the
25 date of the enactment of this Act, the Director, in con-
26 sultation with the Chief Information Officers Council,

1 shall issue guidance concerning the technology-neutral
2 procurement and use of software within the Federal Gov-
3 ernment.

4 (d) MATTERS COVERED.—In issuing guidance under
5 subsection (c), the Director shall include, at a minimum,
6 the following:

7 (1) Guidance to clarify that the preference for
8 commercial items in section 3307 of title 41, United
9 States Code, includes proprietary, open source, and
10 mixed source software that meets the definition of
11 the term “commercial item” in section 103 of title
12 41, United States Code, including all such software
13 that is used for non-Government purposes and is li-
14 censed to the public.

15 (2) Guidance regarding the conduct of market
16 research to ensure the inclusion of proprietary, open
17 source, and mixed source software options.

18 (3) Guidance to define Governmentwide stand-
19 ards for security, redistribution, indemnity, and
20 copyright in the acquisition, use, release, and col-
21 laborative development of proprietary, open source,
22 and mixed source software.

23 (4) Guidance for the adoption of available com-
24 mercial practices to acquire proprietary, open source,
25 and mixed source software for widespread Govern-

1 ment use, including issues such as security and re-
2 distribution rights.

3 (5) Guidance to establish standard service level
4 agreements for maintenance and support for propri-
5 etary, open source, and mixed source software prod-
6 ucts widely adopted by the Government, as well as
7 the development of Governmentwide agreements that
8 contain standard and widely applicable contract pro-
9 visions for ongoing maintenance and development of
10 software.

11 (6) Guidance on the role and use of the Federal
12 Infrastructure and Common Application Collabora-
13 tion Center, authorized under section 11501 of title
14 40, United States Code (as added by section 401),
15 for acquisition of proprietary, open source, and
16 mixed source software.

17 (c) REPORT TO CONGRESS.—Not later than 2 years
18 after the issuance of the guidance required by subsection
19 (b), the Comptroller General of the United States shall
20 submit to the relevant congressional committees a report
21 containing—

22 (1) an assessment of the effectiveness of the
23 guidance;

1 (2) an identification of barriers to widespread
 2 use by the Federal Government of specific software
 3 technologies; and

4 (3) such legislative recommendations as the
 5 Comptroller General considers appropriate to further
 6 the purposes of this section.

7 **SEC. 508. NO ADDITIONAL FUNDS AUTHORIZED.**

8 Except as provided in section 11501(i) of title 40,
 9 United States Code, as added by section 401, no addi-
 10 tional funds are authorized to carry out the requirements
 11 of this Act and the amendments made by this Act. Such
 12 requirements shall be carried out using amounts otherwise
 13 authorized or appropriated.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Federal Information*
 16 *Technology Acquisition Reform Act”.*

17 **SEC. 2. TABLE OF CONTENTS.**

18 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

*TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN
 FEDERAL GOVERNMENT*

Sec. 101. CIO authority enhancements.

*Sec. 102. Enhanced transparency and improved risk management in information
 technology investments.*

Sec. 103. Governmentwide software purchasing program.

*TITLE II—PORTFOLIO REVIEW AND FEDERAL DATA CENTER
 CONSOLIDATION INITIATIVE*

Sec. 201. Portfolio review.

Sec. 202. Federal data center consolidation initiative.

1 **TITLE I—MANAGEMENT OF IN-**
 2 **FORMATION TECHNOLOGY**
 3 **WITHIN FEDERAL GOVERN-**
 4 **MENT**

5 **SEC. 101. CIO AUTHORITY ENHANCEMENTS.**

6 (a) *IN GENERAL.*—Subchapter II of chapter 113 of
 7 title 40, United States Code, is amended by adding at the
 8 end the following:

9 **“§ 11319. Resources, planning, and portfolio manage-**
 10 **ment**

11 “(a) *DEFINITIONS.*—In this section—

12 “(1) the term ‘covered agency’ means each agen-
 13 cy listed in section 901(b)(1) or 901(b)(2) of title 31;
 14 and

15 “(2) the term ‘information technology’ has the
 16 meaning given that term under capital planning
 17 guidance issued by the Office of Management and
 18 Budget.

19 “(b) *ADDITIONAL AUTHORITIES FOR CIOs.*—

20 “(1) *PLANNING, PROGRAMMING, BUDGETING, AND*
 21 *EXECUTION AUTHORITIES FOR CIOs.*—

22 “(A) *IN GENERAL.*—The head of each cov-
 23 ered agency and each agency listed in section
 24 102 of title 5 shall ensure that the Chief Infor-

1 *mation Officer of the agency has a significant*
2 *role in—*

3 *“(i) the decision processes for all an-*
4 *nual and multi-year planning, program-*
5 *ming, budgeting, and execution decisions,*
6 *related reporting requirements, and reports*
7 *related to information technology; and*

8 *“(ii) the management, governance and*
9 *oversight processes related to information*
10 *technology.*

11 *“(B) BUDGET FORMULATION.—*

12 *“(i) IN GENERAL.—The Director of the*
13 *Office of Management and Budget shall re-*
14 *quire in the annual information technology*
15 *capital planning guidance of the Office of*
16 *Management and Budget that the Chief In-*
17 *formation Officer of each covered agency—*

18 *“(I) approve the information tech-*
19 *nology budget request of the covered*
20 *agency;*

21 *“(II) as part of an approval*
22 *under subclause (I), certify that infor-*
23 *mation technology investments are ade-*
24 *quately implementing incremental de-*
25 *velopment, as defined in capital plan-*

1 *ning guidance issued by the Office of*
2 *Management and Budget; and*

3 *“(III) acting in conjunction with*
4 *the Chief Human Capital Officer of the*
5 *covered agency, review all positions*
6 *with information technology respon-*
7 *sibilities requested in the budget re-*
8 *quest of the covered agency to ensure*
9 *the positions meet the ongoing require-*
10 *ments of the covered agency.*

11 *“(C) REVIEW.—*

12 *“(i) IN GENERAL.—A covered agency*
13 *and an agency listed in section 102 of title*
14 *5—*

15 *“(I) may not enter into a contract*
16 *or other agreement for information*
17 *technology or information technology*
18 *services, unless the contract or other*
19 *agreement has been reviewed and ap-*
20 *proved by the Chief Information Offi-*
21 *cer of the agency;*

22 *“(II) may not request the re-*
23 *programming of any funds made*
24 *available for information technology*
25 *programs, unless the request has been*

1 *reviewed and approved by the Chief*
2 *Information Officer of the agency; and*

3 *“(III) may use the governance*
4 *processes of the agency to approve such*
5 *a contract or other agreement if the*
6 *Chief Information Officer of the agency*
7 *is included as a full participant in the*
8 *governance processes.*

9 *“(ii) DELEGATION.—*

10 *“(I) IN GENERAL.—Except as pro-*
11 *vided in subclause (II), the duties of a*
12 *Chief Information Officer under clause*
13 *(i) are not delegable.*

14 *“(II) NON-MAJOR INFORMATION*
15 *TECHNOLOGY INVESTMENTS.—For a*
16 *contract or agreement for a non-major*
17 *information technology investment, as*
18 *defined in the annual information*
19 *technology capital planning guidance*
20 *of the Office of Management and Budg-*
21 *et, the Chief Information Officer of a*
22 *covered agency or an agency listed in*
23 *section 102 of title 5 may delegate the*
24 *approval of the contract or agreement*
25 *under clause (i) to an individual who*

1 reports directly to the Chief Informa-
2 tion Officer.

3 “(2) *PERSONNEL-RELATED AUTHORITY.*—Not-
4 withstanding any other provision of law, for each cov-
5 ered agency, the Chief Information Officer of the cov-
6 ered agency shall approve the appointment of any
7 other employee with the title of Chief Information Of-
8 ficer, or who functions in the capacity of a Chief In-
9 formation Officer, for any component organization
10 within the covered agency.”.

11 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
12 table of sections for chapter 113 of title 40, United States
13 Code, is amended by inserting after the item relating to
14 section 11318 the following:

 “11319. Resources, planning, and portfolio management.”.

15 **SEC. 102. ENHANCED TRANSPARENCY AND IMPROVED RISK**
16 **MANAGEMENT IN INFORMATION TECH-**
17 **NOLOGY INVESTMENTS.**

18 (a) *PUBLIC AVAILABILITY OF INFORMATION ABOUT IN-*
19 *FORMATION TECHNOLOGY INVESTMENTS.*—Section
20 11302(c) of title 40, United States Code, is amended—

21 (1) by redesignating paragraphs (1) and (2) as
22 paragraphs (2) and (5), respectively;

23 (2) by inserting before paragraph (2), as so re-
24 designated, the following:

25 “(1) *DEFINITIONS.*—In this subsection—

1 “(A) the term ‘covered agency’ means an
2 agency listed in section 901(b)(1) or 901(b)(2) of
3 title 31; and

4 “(B) the term ‘major information tech-
5 nology investment’ means an investment within
6 a covered agency information technology invest-
7 ment portfolio that is designated by the covered
8 agency as major, in accordance with capital
9 planning guidance issued by the Director.”; and
10 (3) by inserting after paragraph (2), as so redes-
11 ignated, the following:

12 “(3) PUBLIC AVAILABILITY.—

13 “(A) IN GENERAL.—The Director shall
14 make available to the public the cost, schedule,
15 and performance data for each major informa-
16 tion technology investment, without regard to
17 whether the investments are for new information
18 technology acquisitions or for operations and
19 maintenance of existing information technology.

20 “(B) QUARTERLY REVIEW AND CERTIFI-
21 CATION.—

22 “(i) IN GENERAL.—For each major in-
23 formation technology investment listed
24 under subparagraph (A), the Chief Informa-
25 tion Officer of the covered agency and the

1 *program manager of the investment within*
 2 *the covered agency shall, at least once every*
 3 *quarter—*

4 *“(I) certify that the information*
 5 *is current, accurate, and reflects the*
 6 *risks associated with each listed invest-*
 7 *ment; and*

8 *“(II) identify significant data*
 9 *quality issues that affect the quality of*
 10 *data made available under subpara-*
 11 *graph (A).*

12 *“(ii) INCOMPLETE CERTIFICATIONS.—*
 13 *The Director shall publicly identify covered*
 14 *agencies with an incomplete certification*
 15 *under clause (i)(I).*

16 *“(C) INVESTMENT EVALUATION BY AGENCY*
 17 *CIO.—For each major information technology in-*
 18 *vestment listed under subparagraph (A), the*
 19 *Chief Information Officer of the covered agency*
 20 *shall—*

21 *“(i) categorize the investment accord-*
 22 *ing to level of risk;*

23 *“(ii) categorize the level of risk of the*
 24 *investment at a risk rating that is not lower*
 25 *than the higher of the cost rating and sched-*

1 *ule risk rating of the investment, as deter-*
 2 *mined in accordance with guidance issued*
 3 *by the Director; and*

4 *“(iii) categorize the level of risk as not*
 5 *lower than medium risk for any investment*
 6 *determined by the Chief Information Officer*
 7 *and program manager to not employ incre-*
 8 *mental development, as determined in ac-*
 9 *cordance with capital planning guidance*
 10 *issued by the Director.*

11 *“(D) CONTINUOUS AVAILABILITY.—The in-*
 12 *formation required under subparagraph (A), in*
 13 *its most updated form, shall be publicly avail-*
 14 *able at all times.*

15 *“(E) WAIVER OR LIMITATION AUTHORITY.—*
 16 *The applicability of subparagraph (A) may be*
 17 *waived or the extent of the information may be*
 18 *limited by the Director, if the Director deter-*
 19 *mines that such a waiver or limitation is in the*
 20 *national security interests of the United States.*

21 *“(4) RISK MANAGEMENT.—For each major infor-*
 22 *mation technology investment listed under paragraph*
 23 *(3)(A) that receives a high risk rating, as described*
 24 *in paragraph (3)(C), for 4 consecutive quarters—*

1 “(A) the Administrator of the Office of Elec-
2 tronic Government, in conjunction with the Chief
3 Information Officer of the covered agency and
4 the program manager of the investment within
5 the covered agency, shall conduct a review of the
6 investment that shall identify—

7 “(i) the root causes of the high level of
8 risk of the investment;

9 “(ii) the extent to which these causes
10 can be addressed; and

11 “(iii) the probability of future success;

12 “(B) the Administrator of the Office of Elec-
13 tronic Government shall communicate the results
14 of the review under subparagraph (A) to—

15 “(i) the Committee on Homeland Secu-
16 rity and Governmental Affairs and the
17 Committee on Appropriations of the Senate;

18 “(ii) the Committee on Oversight and
19 Government Reform and the Committee on
20 Appropriations of the House of Representa-
21 tives; and

22 “(iii) upon a request by any committee
23 of Congress, to that committee; and

24 “(C) if, on the date that is 1 year after the
25 date of completion of the review required under

1 subparagraph (A), the investment is rated as
 2 high risk under paragraph (3)(C), the Director
 3 shall deny any request for additional develop-
 4 ment, modernization, or enhancement funding
 5 for the investment until the date on which the
 6 Chief Information Officer of the covered agency
 7 certifies that—

8 “(i) the root causes of the high level of
 9 risk of the investment have been addressed;
 10 and

11 “(ii) there is sufficient capability to
 12 deliver the remaining planned increments
 13 within the planned cost and schedule.”.

14 (b) *ADDITIONAL REPORT REQUIREMENTS.*—Para-
 15 graph (5) of section 11302(c) of such title, as redesignated
 16 by subsection (a), is amended by adding at the end the fol-
 17 lowing: “The report shall include an analysis of covered
 18 agency trends reflected in the performance risk information
 19 required in paragraph (3).”.

20 (c) *SUNSET.*—Effective on the date that is 5 years after
 21 the date of enactment of this Act, section 11302(c) of title
 22 40, United States Code, is amended—

23 (1) by striking paragraphs (1), (3), and (4);

24 (2) by redesignating paragraphs (2) and (5) as
 25 paragraphs (1) and (2), respectively; and

1 (3) in paragraph (2), as so redesignated, by
2 striking the last sentence.

3 **SEC. 103. GOVERNMENTWIDE SOFTWARE PURCHASING PRO-**
4 **GRAM.**

5 (a) *IN GENERAL.*—The Administrator of General
6 Services, in collaboration with the Secretary of Defense,
7 shall identify and develop a strategic sourcing initiative to
8 enhance Governmentwide acquisition, shared use, and dis-
9 semination of software, as well as compliance with end user
10 license agreements.

11 (b) *GOVERNMENTWIDE USER LICENSE AGREEMENT.*—
12 The Administrator, in developing the initiative under sub-
13 section (a), shall allow for the purchase of a license agree-
14 ment that is available for use by all Executive agencies (as
15 defined in section 105 of title 5, United States Code) as
16 one user to the maximum extent practicable and as appro-
17 priate.

18 **TITLE II—PORTFOLIO REVIEW**
19 **AND FEDERAL DATA CENTER**
20 **CONSOLIDATION INITIATIVE**

21 **SEC. 201. PORTFOLIO REVIEW.**

22 (a) *IN GENERAL.*—Section 11319 of title 40, United
23 States Code, as added by section 101, is amended by adding
24 at the end the following:

1 “(c) *INFORMATION TECHNOLOGY PORTFOLIO, PRO-*
2 *GRAM, AND RESOURCE REVIEWS.*—

3 “(1) *PROCESS.*—*The Director of the Office of*
4 *Management and Budget shall implement a process to*
5 *assist covered agencies in reviewing their portfolio of*
6 *information technology investments to identify or de-*
7 *velop*—

8 “(A) *ways to increase the efficiency and ef-*
9 *fectiveness of the information technology invest-*
10 *ments of the covered agency;*

11 “(B) *opportunities to consolidate the acqui-*
12 *sition and management of information tech-*
13 *nology services, and increase the use of shared-*
14 *service delivery models;*

15 “(C) *potential duplication and waste, in-*
16 *cluding unnecessary or duplicative software li-*
17 *censes;*

18 “(D) *potential cost savings, including cost*
19 *savings and cost avoidance opportunities related*
20 *to software licenses of the covered agency;*

21 “(E) *plans for actions to optimize the infor-*
22 *mation technology portfolio, programs, and re-*
23 *sources of the covered agency;*

24 “(F) *ways to better align the information*
25 *technology portfolio, programs, and financial re-*

1 *sources of the covered agency to the multi-year*
2 *funding profiles and strategic plans, when such*
3 *plans are required by Congress;*

4 *“(G) a multi-year strategy to identify and*
5 *reduce duplication and waste within the infor-*
6 *mation technology portfolio of the covered agen-*
7 *cy, including component-level investments, and*
8 *projected cost savings and avoidances resulting*
9 *therefrom; and*

10 *“(H) any other goals that the Director may*
11 *establish.*

12 *“(2) METRICS AND PERFORMANCE INDICA-*
13 *TORS.—The Director of the Office of Management and*
14 *Budget shall develop standardized cost savings and*
15 *cost avoidance metrics and performance indicators,*
16 *which shall be used by agencies for the purposes of*
17 *paragraph (1).*

18 *“(3) ANNUAL REVIEW.—In accordance with the*
19 *process implemented under paragraph (1), the Chief*
20 *Information Officer of each covered agency, in con-*
21 *junction with the Chief Operating Officer or Deputy*
22 *Secretary (or equivalent) of the covered agency and*
23 *Administrator of the Office of Electronic Government,*
24 *shall conduct an annual review of the information*
25 *technology portfolio of the covered agency.*

1 “(4) *QUARTERLY REPORTS.*—

2 “(A) *IN GENERAL.*—*The Administrator of*
 3 *the Office of Electronic Government shall submit*
 4 *a quarterly report on the cost savings and reduc-*
 5 *tions in duplicative information technology in-*
 6 *vestments identified through the review required*
 7 *by paragraph (3) to—*

8 “(i) *the Committee on Homeland Secu-*
 9 *rity and Governmental Affairs and the*
 10 *Committee on Appropriations of the Senate;*

11 “(ii) *the Committee on Oversight and*
 12 *Government Reform and the Committee on*
 13 *Appropriations of the House of Representa-*
 14 *tives; and*

15 “(iii) *upon a request by any committee*
 16 *of Congress, to that committee.*

17 “(B) *INCLUSION IN OTHER REPORTS.*—*The*
 18 *reports required under subparagraph (A) may be*
 19 *included as part of another report submitted to*
 20 *the committees of Congress described in clauses*
 21 *(i), (ii), and (iii) of subparagraph (A).”.*

22 (b) *SUNSET.*—*Effective on the date that is 5 years*
 23 *after the date of enactment of this Act, section 11319 of title*
 24 *40, United States Code, is amended by striking subsection*
 25 *(c).*

1 **SEC. 202. FEDERAL DATA CENTER CONSOLIDATION INITIA-**
2 **TIVE.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *ADMINISTRATOR.—The term “Adminis-*
5 *trator” means the Administrator for the Office of E-*
6 *Government and Information Technology within the*
7 *Office of Management and Budget.*

8 (2) *COVERED AGENCY.—The term “covered agen-*
9 *cy” means the following (including all associated*
10 *components of the agency):*

11 (A) *Department of Agriculture;*

12 (B) *Department of Commerce;*

13 (C) *Department of Defense;*

14 (D) *Department of Education;*

15 (E) *Department of Energy;*

16 (F) *Department of Health and Human*
17 *Services;*

18 (G) *Department of Homeland Security;*

19 (H) *Department of Housing and Urban De-*
20 *velopment;*

21 (I) *Department of the Interior;*

22 (J) *Department of Justice;*

23 (K) *Department of Labor;*

24 (L) *Department of State;*

25 (M) *Department of Transportation;*

26 (N) *Department of Treasury;*

1 (O) *Department of Veterans Affairs;*
 2 (P) *Environmental Protection Agency;*
 3 (Q) *General Services Administration;*
 4 (R) *National Aeronautics and Space Ad-*
 5 *ministration;*
 6 (S) *National Science Foundation;*
 7 (T) *Nuclear Regulatory Commission;*
 8 (U) *Office of Personnel Management;*
 9 (V) *Small Business Administration;*
 10 (W) *Social Security Administration; and*
 11 (X) *United States Agency for International*
 12 *Development.*

13 (3) *FDCCI.—The term “FDCCI” means the*
 14 *Federal Data Center Consolidation Initiative de-*
 15 *scribed in the Office of Management and Budget*
 16 *Memorandum on the Federal Data Center Consolida-*
 17 *tion Initiative, dated February 26, 2010, or any suc-*
 18 *cessor thereto.*

19 (4) *GOVERNMENT-WIDE DATA CENTER CONSOLI-*
 20 *DATION AND OPTIMIZATION METRICS.—The term*
 21 *“Government-wide data center consolidation and op-*
 22 *timization metrics” means the metrics established by*
 23 *the Administrator under subsection (b)(2)(G).*

24 (b) *FEDERAL DATA CENTER CONSOLIDATION INVEN-*
 25 *TORIES AND STRATEGIES.—*

1 (1) *IN GENERAL.*—

2 (A) *ANNUAL REPORTING.*—*Each year, be-*
 3 *ginning in the first fiscal year after the date of*
 4 *enactment of this Act and each fiscal year there-*
 5 *after, the head of each covered agency, assisted by*
 6 *the Chief Information Officer of the agency, shall*
 7 *submit to the Administrator—*

8 (i) *a comprehensive inventory of the*
 9 *data centers owned, operated, or main-*
 10 *tained by or on behalf of the agency; and*

11 (ii) *a multi-year strategy to achieve*
 12 *the consolidation and optimization of the*
 13 *data centers inventoried under clause (i),*
 14 *that includes—*

15 (I) *performance metrics—*

16 (aa) *that are consistent with*
 17 *the Government-wide data center*
 18 *consolidation and optimization*
 19 *metrics; and*

20 (bb) *by which the quan-*
 21 *titative and qualitative progress*
 22 *of the agency toward the goals of*
 23 *the FDCCI can be measured;*

24 (II) *a timeline for agency activi-*
 25 *ties to be completed under the FDCCI,*

1 *with an emphasis on benchmarks the*
 2 *agency can achieve by specific dates;*

3 (III) *year-by-year calculations of*
 4 *investment and cost savings for the pe-*
 5 *riod beginning on the date of enact-*
 6 *ment of this Act and ending on the*
 7 *date described in subsection (e), broken*
 8 *down by each year, including a de-*
 9 *scription of any initial costs for data*
 10 *center consolidation and optimization*
 11 *and life cycle cost savings and other*
 12 *improvements, with an emphasis on—*

13 (aa) *meeting the Govern-*
 14 *ment-wide data center consolida-*
 15 *tion and optimization metrics;*
 16 *and*

17 (bb) *demonstrating the*
 18 *amount of agency-specific cost*
 19 *savings each fiscal year achieved*
 20 *through the FDCCI; and*

21 (IV) *any additional information*
 22 *required by the Administrator.*

23 (B) *USE OF OTHER REPORTING STRUC-*
 24 *TURES.—The Administrator may require a cov-*
 25 *ered agency to include the information required*

1 to be submitted under this subsection through re-
2 porting structures determined by the Adminis-
3 trator to be appropriate.

4 (C) *STATEMENT.*—Each year, beginning in
5 the first fiscal year after the date of enactment
6 of this Act and each fiscal year thereafter, the
7 head of each covered agency, acting through the
8 Chief Information Officer of the agency, shall—

9 (i)(I) submit a statement to the Ad-
10 ministrator stating whether the agency has
11 complied with the requirements of this sec-
12 tion; and

13 (II) make the statement submitted
14 under subclause (I) publically available;
15 and

16 (ii) if the agency has not complied
17 with the requirements of this section, submit
18 a statement to the Administrator explaining
19 the reasons for not complying with such re-
20 quirements.

21 (D) *AGENCY IMPLEMENTATION OF STRATE-*
22 *GIES.*—Each covered agency, under the direction
23 of the Chief Information Officer of the agency,
24 shall—

1 (i) implement the strategy required
2 under subparagraph (A)(ii); and

3 (ii) provide updates to the Adminis-
4 trator, on a quarterly basis, of —

5 (I) the completion of activities by
6 the agency under the FDCCI;

7 (II) any progress of the agency to-
8 wards meeting the Government-wide
9 data center consolidation and optimi-
10 zation metrics; and

11 (III) the actual cost savings and
12 other improvements realized through
13 the implementation of the strategy of
14 the agency.

15 (E) *RULE OF CONSTRUCTION.*—Nothing in
16 this section shall be construed to limit the report-
17 ing of information by a covered agency to the
18 Administrator, the Director of the Office of Man-
19 agement and Budget, or Congress.

20 (2) *ADMINISTRATOR RESPONSIBILITIES.*—The
21 Administrator shall—

22 (A) establish the deadline, on an annual
23 basis, for covered agencies to submit information
24 under this section;

1 (B) establish a list of requirements that the
2 covered agencies must meet to be considered in
3 compliance with paragraph (1);

4 (C) ensure that information relating to
5 agency progress towards meeting the Govern-
6 ment-wide data center consolidation and optimi-
7 zation metrics is made available in a timely
8 manner to the general public;

9 (D) review the inventories and strategies
10 submitted under paragraph (1) to determine
11 whether they are comprehensive and complete;

12 (E) monitor the implementation of the data
13 center strategy of each covered agency that is re-
14 quired under paragraph (1)(A)(ii);

15 (F) update, on an annual basis, the cumu-
16 lative cost savings realized through the imple-
17 mentation of the FDCCI; and

18 (G) establish metrics applicable to the con-
19 solidation and optimization of data centers Gov-
20 ernment-wide, including metrics with respect
21 to—

22 (i) costs;

23 (ii) efficiencies, including at least serv-
24 er efficiency; and

1 (iii) any other metrics the Adminis-
 2 trator establishes under this subparagraph.

3 (3) COST SAVING GOAL AND UPDATES FOR CON-
 4 GRESS.—

5 (A) IN GENERAL.—Not later than 1 year
 6 after the date of enactment of this Act, the Ad-
 7 ministrator shall develop, and make publically
 8 available, a goal, broken down by year, for the
 9 amount of planned cost savings and optimiza-
 10 tion improvements achieved through the FDCCI
 11 during the period beginning on the date of enact-
 12 ment of this Act and ending on the date de-
 13 scribed in subsection (e).

14 (B) ANNUAL UPDATE.—

15 (i) IN GENERAL.—Not later than 1
 16 year after the date on which the goal de-
 17 scribed in subparagraph (A) is made pub-
 18 lically available, and each year thereafter,
 19 the Administrator shall aggregate the re-
 20 ported cost savings of each covered agency
 21 and optimization improvements achieved to
 22 date through the FDCCI and compare the
 23 savings to the projected cost savings and op-
 24 timization improvements developed under
 25 subparagraph (A).

1 (ii) *UPDATE FOR CONGRESS.*—*The*
2 *goal required to be developed under sub-*
3 *paragraph (A) shall be submitted to Con-*
4 *gress and shall be accompanied by a state-*
5 *ment describing—*

6 (I) *whether each covered agency*
7 *has in fact submitted a comprehensive*
8 *asset inventory, including an assess-*
9 *ment broken down by agency, which*
10 *shall include the specific numbers, uti-*
11 *lization, and efficiency level of data*
12 *centers; and*

13 (II) *whether each covered agency*
14 *has submitted a comprehensive consoli-*
15 *dation strategy with the key elements*
16 *described in paragraph (1)(A)(ii).*

17 (4) *GAO REVIEW.*—

18 (A) *IN GENERAL.*—*Not later than 1 year*
19 *after the date of enactment of this Act, and each*
20 *year thereafter, the Comptroller General of the*
21 *United States shall review and verify the quality*
22 *and completeness of the asset inventory and*
23 *strategy of each covered agency required under*
24 *paragraph (1)(A).*

1 (B) *REPORT.*—*The Comptroller General of*
2 *the United States shall, on an annual basis, pub-*
3 *lish a report on each review conducted under*
4 *subparagraph (A).*

5 (c) *ENSURING CYBERSECURITY STANDARDS FOR DATA*
6 *CENTER CONSOLIDATION AND CLOUD COMPUTING.*—

7 (1) *IN GENERAL.*—*In implementing a data cen-*
8 *ter consolidation and optimization strategy under*
9 *this section, a covered agency shall do so in a manner*
10 *that is consistent with Federal guidelines on cloud*
11 *computing security, including—*

12 (A) *applicable provisions found within the*
13 *Federal Risk and Authorization Management*
14 *Program (FedRAMP); and*

15 (B) *guidance published by the National In-*
16 *stitute of Standards and Technology.*

17 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
18 *section shall be construed to limit the ability of the*
19 *Director of the Office of Management and Budget to*
20 *update or modify the Federal guidelines on cloud*
21 *computing security.*

22 (d) *WAIVER OF DISCLOSURE REQUIREMENTS.*—*The*
23 *Director of National Intelligence may waive the applica-*
24 *bility to any element (or component of an element) of the*
25 *intelligence community of any provision of this section if*

1 *the Director of National Intelligence determines that such*
2 *waiver is in the interest of national security. Not later than*
3 *30 days after making a waiver under this subsection, the*
4 *Director of National Intelligence shall submit to the Com-*
5 *mittee on Homeland Security and Governmental Affairs*
6 *and the Select Committee on Intelligence of the Senate and*
7 *the Committee on Oversight and Government Reform and*
8 *the Permanent Select Committee on Intelligence of the*
9 *House of Representatives a statement describing the waiver*
10 *and the reasons for the waiver.*

11 *(e) SUNSET.—This section is repealed effective on Oc-*
12 *tober 1, 2018.*

Amend the title so as to read: “An Act to amend title 40, United States Code, to eliminate duplication and waste in information technology acquisition and management.”.

Calendar No. 577

113TH CONGRESS
2D Session

H. R. 1232

[Report No. 113–262]

AN ACT

To amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management.

SEPTEMBER 18, 2014

Reported with an amendment and an amendment to the title