

113TH CONGRESS
2D SESSION

S. 1611

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2014

Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

To require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Data Center
3 Consolidation Act of 2013”.

4 **SEC. 2. FEDERAL DATA CENTER CONSOLIDATION INITIA-**
5 **TIVE.**

6 (a) DEFINITIONS.—In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator for the Office of
9 E–Government and Information Technology within
10 the Office of Management and Budget.

11 (2) COVERED AGENCY.—The term “covered
12 agency” means the following (including all associ-
13 ated components of the agency):

14 (A) Department of Agriculture;

15 (B) Department of Commerce;

16 (C) Department of Defense;

17 (D) Department of Education;

18 (E) Department of Energy;

19 (F) Department of Health and Human
20 Services;

21 (G) Department of Homeland Security;

22 (H) Department of Housing and Urban
23 Development;

24 (I) Department of the Interior;

25 (J) Department of Justice;

26 (K) Department of Labor;

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

16 (3) FDCCI.—The term “FDCCI” means the
17 Federal Data Center Consolidation Initiative de-
18 scribed in the Office of Management and Budget
19 Memorandum on the Federal Data Center Consoli-
20 dation Initiative, dated February 26, 2010, or any
21 successor thereto.

22 (4) GOVERNMENT-WIDE DATA CENTER CON-
23 SOLIDATION AND OPTIMIZATION METRICS.—The
24 term “Government-wide data center consolidation
25 and optimization metrics” means the metrics estab-

1 lished by the Administrator under subsection
2 (b)(2)(G).

3 (b) FEDERAL DATA CENTER CONSOLIDATION IN-
4 VENTORIES AND STRATEGIES.—

5 (1) IN GENERAL.—

6 (A) ANNUAL REPORTING.—Each year, be-
7 ginning in the first fiscal year after the date of
8 enactment of this Act and each fiscal year
9 thereafter, the head of each covered agency, as-
10 sisted by the Chief Information Officer of the
11 agency, shall submit to the Administrator—

12 (i) a comprehensive inventory of the
13 data centers owned, operated, or main-
14 tained by or on behalf of the agency; and

15 (ii) a multi-year strategy to achieve
16 the consolidation and optimization of the
17 data centers inventoried under clause (i),
18 that includes—

19 (I) performance metrics—

20 (aa) that are consistent with
21 the Government-wide data center
22 consolidation and optimization
23 metrics; and

24 (bb) by which the quan-
25 titative and qualitative progress

1 of the agency toward the goals of
2 the FDCCI can be measured;

3 (II) a timeline for agency activi-
4 ties to be completed under the
5 FDCCI, with an emphasis on bench-
6 marks the agency can achieve by spe-
7 cific dates;

8 (III) year-by-year calculations of
9 investment and cost savings for the
10 period beginning on the date of enact-
11 ment of this Act and ending on the
12 date described in subsection (e), bro-
13 ken down by each year, including a
14 description of any initial costs for
15 data center consolidation and optimi-
16 zation and life cycle cost savings and
17 other improvements, with an emphasis
18 on—

19 (aa) meeting the Govern-
20 ment-wide data center consolida-
21 tion and optimization metrics;
22 and

23 (bb) demonstrating the
24 amount of agency-specific cost

1 savings each fiscal year achieved
2 through the FDCCI; and
3 (IV) any additional information
4 required by the Administrator.

5 (B) USE OF OTHER REPORTING STRUC-
6 TURES.—The Administrator may require a cov-
7 ered agency to include the information required
8 to be submitted under this subsection through
9 reporting structures determined by the Admin-
10 istrator to be appropriate.

11 (C) DEPARTMENT OF DEFENSE REPORT-
12 ING.—For any year that the Department of De-
13 fense is required to submit a performance plan
14 for reduction of resources required for data
15 servers and centers, as required under section
16 2867(b) of the National Defense Authorization
17 Act for Fiscal Year 2012 (10 U.S.C. 2223a
18 note), the Department of Defense—

19 (i) may submit to the Administrator,
20 in lieu of the multi-year strategy required
21 under subparagraph (A)(ii)—

22 (I) the defense-wide plan re-
23 quired under section 2867(b)(2) of
24 the National Defense Authorization

1 Act for Fiscal Year 2012 (10 U.S.C.
2 2223a note); and

3 (II) the report on cost savings re-
4 quired under section 2867(d) of the
5 National Defense Authorization Act
6 for Fiscal Year 2012 (10 U.S.C.
7 2223a note); and

8 (ii) shall submit the comprehensive in-
9 ventory required under subparagraph
10 (A)(i), unless the defense-wide plan re-
11 quired under section 2867(b)(2) of the Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2012 (10 U.S.C. 2223a note)—

14 (I) contains a comparable com-
15 prehensive inventory; and

16 (II) is submitted under clause (i).

17 (D) STATEMENT.—Each year, beginning in
18 the first fiscal year after the date of enactment
19 of this Act and each fiscal year thereafter, the
20 head of each covered agency, acting through the
21 Chief Information Officer of the agency, shall—

22 (i)(I) submit a statement to the Ad-
23 ministrator stating whether the agency has
24 complied with the requirements of this Act;
25 and

1 (II) make the statement submitted
2 under subclause (I) publically available;
3 and

4 (ii) if the agency has not complied
5 with the requirements of this Act, submit
6 a statement to the Administrator explain-
7 ing the reasons for not complying with
8 such requirements.

9 (E) AGENCY IMPLEMENTATION OF STRAT-
10 EGIES.—Each covered agency, under the direc-
11 tion of the Chief Information Officer of the
12 agency, shall—

13 (i) implement the strategy required
14 under subparagraph (A)(ii); and

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

17 (I) the completion of activities by
18 the agency under the FDCCI;

19 (II) any progress of the agency
20 towards meeting the Government-wide
21 data center consolidation and optimi-
22 zation metrics; and

23 (III) the actual cost savings and
24 other improvements realized through

1 the implementation of the strategy of
2 the agency.

3 (F) RULE OF CONSTRUCTION.—Nothing in
4 this Act shall be construed to limit the report-
5 ing of information by a covered agency to the
6 Administrator, the Director of the Office of
7 Management and Budget, or Congress.

8 (2) ADMINISTRATOR RESPONSIBILITIES.—The
9 Administrator shall—

10 (A) establish the deadline, on an annual
11 basis, for covered agencies to submit informa-
12 tion under this section;

13 (B) establish a list of requirements that
14 the covered agencies must meet to be consid-
15 ered in compliance with paragraph (1);

16 (C) ensure that information relating to
17 agency progress towards meeting the Govern-
18 ment-wide data center consolidation and optimi-
19 zation metrics is made available in a timely
20 manner to the general public;

21 (D) review the inventories and strategies
22 submitted under paragraph (1) to determine
23 whether they are comprehensive and complete;

1 (E) monitor the implementation of the
2 data center strategy of each covered agency
3 that is required under paragraph (1)(A)(ii);

4 (F) update, on an annual basis, the cumu-
5 lative cost savings realized through the imple-
6 mentation of the FDCCI; and

7 (G) establish metrics applicable to the con-
8 solidation and optimization of data centers Gov-
9 ernment-wide, including metrics with respect
10 to—

11 (i) costs;

12 (ii) efficiencies, including at least
13 server efficiency; and

14 (iii) any other metrics the Adminis-
15 trator establishes under this subparagraph.

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

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, the Ad-
20 ministrator shall develop, and make publically
21 available, a goal, broken down by year, for the
22 amount of planned cost savings and optimiza-
23 tion improvements achieved through the FDCCI
24 during the period beginning on the date of en-

1 actment of this Act and ending on the date de-
2 scribed in subsection (e).

3 (B) ANNUAL UPDATE.—

4 (i) IN GENERAL.—Not later than 1
5 year after the date on which the goal de-
6 scribed in subparagraph (A) is made pub-
7 lically available, and each year thereafter,
8 the Administrator shall aggregate the re-
9 ported cost savings of each covered agency
10 and optimization improvements achieved to
11 date through the FDCCI and compare the
12 savings to the projected cost savings and
13 optimization improvements developed
14 under subparagraph (A).

15 (ii) UPDATE FOR CONGRESS.—The
16 goal required to be developed under sub-
17 subparagraph (A) shall be submitted to Con-
18 gress and shall be accompanied by a state-
19 ment describing—

20 (I) whether each covered agency
21 has in fact submitted a comprehensive
22 asset inventory, including an assess-
23 ment broken down by agency, which
24 shall include the specific numbers, uti-

1 lization, and efficiency level of data
2 centers; and

3 (II) whether each covered agency
4 has submitted a comprehensive con-
5 solidation strategy with the key ele-
6 ments described in paragraph
7 (1)(A)(ii).

8 (4) GAO REVIEW.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, and
11 each year thereafter, the Comptroller General of
12 the United States shall review and verify the
13 quality and completeness of the asset inventory
14 and strategy of each covered agency required
15 under paragraph (1)(A).

16 (B) REPORT.—The Comptroller General of
17 the United States shall, on an annual basis,
18 publish a report on each review conducted
19 under subparagraph (A).

20 (c) ENSURING CYBERSECURITY STANDARDS FOR
21 DATA CENTER CONSOLIDATION AND CLOUD COM-
22 PUTING.—

23 (1) IN GENERAL.—In implementing a data cen-
24 ter consolidation and optimization strategy under
25 this Act, a covered agency shall do so in a manner

1 that is consistent with Federal guidelines on cloud
2 computing security, including—

3 (A) applicable provisions found within the
4 Federal Risk and Authorization Management
5 Program (FedRAMP); and

6 (B) guidance published by the National In-
7 stitute of Standards and Technology.

8 (2) RULE OF CONSTRUCTION.—Nothing in this
9 Act shall be construed to limit the ability of the Di-
10 rector of the Office of Management and Budget to
11 update or modify the Federal guidelines on cloud
12 computing security.

13 (d) WAIVER OF REQUIREMENTS.—The Director of
14 National Intelligence and the Secretary of Defense, or
15 their respective designee, may waive the applicability to
16 any national security system, as defined in section 3542
17 of title 44, United States Code, of any provision of this
18 Act if the Director of National Intelligence or the Sec-
19 retary of Defense, or their respective designee, determines
20 that such waiver is in the interest of national security.
21 Not later than 30 days after making a waiver under this
22 subsection, the Director of National Intelligence or the
23 Secretary of Defense, or their respective designee, shall
24 submit to the Committee on Homeland Security and Gov-
25 ernmental Affairs and the Select Committee on Intel-

1 lidence of the Senate and the Committee on Oversight and
2 Government Reform and the Permanent Select Committee
3 on Intelligence of the House of Representatives a state-
4 ment describing the waiver and the reasons for the waiver.

5 (e) SUNSET.—This Act is repealed effective on Octo-
6 ber 1, 2018.

Passed the Senate September 18, 2014.

Attest:

NANCY ERICKSON,

Secretary.