To amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2018

Mr. HURD (for himself, Ms. KELLY of Illinois, Mr. MEADOWS, and Mr. CON-NNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal CIO Author-
ization Act of 2018”.

SEC. 2. CHANGES RELATING TO ELECTRONIC GOVERN-
MENT SERVICES.

(a) Change of Certain Names in Chapter 36 of
Title 44.—
(1) Definitions.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1);

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

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

(2) Office of Electronic Government.—

Section 3602 of title 44, United States Code, is amended—

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

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

(C) in subsection (b)—

(i) by striking “an Administrator” and inserting “a Federal Chief Information Officer”; and
(ii) by inserting before the period at
the end the following: “and who shall re-
port directly to the Director”;
(D) in subsection (c), by striking “The Ad-
ministrator” and inserting “The Federal Chief
Information Officer”;
(E) in subsection (d), by striking “The Ad-
ministrator” and inserting “The Federal Chief
Information Officer”;
(F) in subsection (e), by striking “The Ad-
ministrator” and inserting “The Federal Chief
Information Officer”;
(G) in subsection (f)—
(i) in the matter preceding paragraph
(1), by striking “the Administrator” and
inserting “the Federal Chief Information
Officer”;.
(ii) in paragraph (5), by striking “E–
Government Fund” and inserting “Federal
IT Fund”;
(iii) in paragraph (16), by striking
“the Office of Electronic Government” and
inserting “the Office of the Federal Chief
Information Officer”; and
(iv) by adding at the end the following new paragraph:

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

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

(3) CHIEF INFORMATION OFFICERS COUNCIL.—

Section 3603 of title 44, United States Code, is amended—

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

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

(C) in subsection (f)—

(i) in paragraph (3), by striking “the Administrator” and inserting “the Federal Chief Information Officer”; and
(ii) in paragraph (5), by striking “the Administrator” and inserting “the Federal Chief Information Officer”.

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

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

(B) in subsection (a)—

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

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

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

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

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

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

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

(C) in subsection (c)—

(i) in paragraph (1)—

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

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

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

(iii) in paragraph (4)—

(I) by striking "the Administrator" and inserting "the Federal Chief Information Officer"; and
(II) by striking “E–Government Fund” and inserting “Federal IT Fund”.

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

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

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

(7) TREATMENT OF INCUMBENT.—The individual serving as the Administrator of the Office of Electronic Government under section 3602 of title 44, United States Code, as of the date of the enactment of this Act, may continue to serve as the Federal Chief Information Officer commencing as of that date, without further appointment under such section.
(8) REFERENCES.—Any reference to the Administrator of the Office of Electronic Government in any law, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Federal Chief Information Officer.

(9) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(i) by striking the item relating to section 3602 and inserting the following new item:

“3602. Office of the Federal Chief Information Officer.”;

(ii) by striking the item relating to section 3604 and inserting the following new item:

“3604. Federal IT Fund.”;

and

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

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

(C) Positions at Level III.—Section 5314 of title 5, United States Code, is amended by striking “Administrator of the Office of Electronic Government” and inserting “Federal Chief Information Officer”.

(D) Table of Sections for Chapter 5 of Title 31.—The table of sections for chapter 5 of subtitle I of title 31, United States Code, is amended by striking the item relating to section 507 and inserting the following new item:

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

(E) Office of Electronic Government.—Section 507 of title 31, United States Code, is amended—

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

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

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

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

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

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


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

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

“§ 3607. Federal Chief Information Security Officer

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

“(1) be appointed by the President;

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

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

“(b) DUTIES.—The Federal Chief Information Security Officer shall—
“(1) direct the cybersecurity efforts of the Office of Management and Budget;

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

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

“§3608. Technology investment planning and oversight process

“(a) Report on Information Technology Expenditures.—The head of each agency shall submit to the Federal Chief Information Officer a report on any expenditure on information technology by that agency.

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

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

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

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

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

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

(4) REPORT TO CONGRESS.—Not later than
120 days after the date of the enactment of this Act,
the Federal Chief Information Officer shall submit
to the Committee on Oversight and Government Re-
form of the House of Representatives and the Com-
mittee on Homeland Security and Governmental Af-
fairs of the Senate a report on the status of estab-
lishing the process described in section 3608(b) of
title 44, United States Code, as added by paragraph
(1).
SEC. 3. PROPOSAL RELATED TO SHARED SERVICES.

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