

117TH CONGRESS  
2D SESSION

# S. 3897

To require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2022

Ms. HASSAN (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, and for other purposes.

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 “Legacy IT Reduction  
5       Act of 2022”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of General Serv-  
3           ices.

4           (2) AGENCY.—The term “agency” means an  
5           agency described in paragraph (1) or (2) of section  
6           901(b) of title 31, United States Code.

7           (3) CHIEF INFORMATION OFFICER.—The term  
8           “Chief Information Officer” means a Chief Informa-  
9           tion Officer designated under section 3506(a)(2) of  
10          title 44, United States Code.

11          (4) COMPTROLLER GENERAL.—The term  
12          “Comptroller General” means the Comptroller Gen-  
13          eral of the United States.

14          (5) CONGRESSIONAL OVERSIGHT COMMITTEE.—  
15          The term “congressional oversight committee”  
16          means, with respect to a particular agency, a com-  
17          mittee or subcommittee of the Senate and the House  
18          of Representatives that provide oversight of the  
19          agency.

20          (6) DIRECTOR.—The term “Director” means  
21          the Director of the Office of Management and Budg-  
22          et.

23          (7) INFORMATION TECHNOLOGY.—The term  
24          “information technology” has the meaning given the

1 term in section 11101 of title 40, United States  
2 Code.

3 (8) IT WORKING CAPITAL FUND; LEGACY IN-  
4 FORMATION TECHNOLOGY SYSTEM.—The terms “IT  
5 working capital fund” and “legacy information tech-  
6 nology system” have the meaning given the terms in  
7 section 1076 of the National Defense Authorization  
8 Act for Fiscal Year 2018 (40 U.S.C. 11301 note;  
9 Public Law (115–91)).

10 (9) NATIONAL SECURITY SYSTEM.—The term  
11 “national security system” has the meaning given  
12 the term in section 11103 of title 40, United States  
13 Code.

14 (10) TECHNOLOGY MODERNIZATION FUND.—  
15 The term “Technology Modernization Fund” means  
16 the fund established under section 1078(b)(1) of the  
17 National Defense Authorization Act for Fiscal Year  
18 2018 (40 U.S.C. 11301 note; Public Law 115–91).

19 **SEC. 3. LEGACY INFORMATION TECHNOLOGY SYSTEM IN-**  
20 **VENTORY.**

21 (a) INVENTORY OF LEGACY INFORMATION TECH-  
22 NOLOGY SYSTEMS.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of enactment of this Act, and not later than  
25 5 years thereafter, the Chief Information Officer of

1 each agency shall compile an inventory that lists  
2 each legacy information technology system used, op-  
3 erated, or maintained by the agency.

4 (2) CONTENTS.—The Director shall issue guid-  
5 ance prescribing the information that the Chief In-  
6 formation Officer of each agency shall include for  
7 each legacy technology information system listed in  
8 the inventory required under paragraph (1). In  
9 issuing such guidance, the Director shall consider in-  
10 cluding for each legacy technology information sys-  
11 tem listed in the inventory—

12 (A) the name or an identification of the  
13 legacy information technology system;

14 (B) the office or mission of the agency that  
15 the legacy information technology system sup-  
16 ports and how the office or mission uses the  
17 legacy information technology system;

18 (C) to the extent that information is avail-  
19 able—

20 (i) the date of the last update or re-  
21 fresh of the legacy information technology  
22 system;

23 (ii) the price, including recurring sub-  
24 scription costs and any costs to contract

1 labor to operate or maintain the legacy in-  
2 formation technology system; and

3 (iii) the name and contact information  
4 of the vendor; and

5 (D) the date of the next expected update  
6 or modernization, retirement, or disposal of the  
7 legacy information technology system.

8 (b) TRANSPARENCY AND ACCOUNTABILITY.—

9 (1) IN GENERAL.—Upon request by a House of  
10 Congress, a congressional oversight committee of an  
11 agency, the Comptroller General of the United  
12 States, or an inspector general of an agency, the  
13 head of the agency shall make available the inven-  
14 tory compiled under subsection (a)(1) or the relevant  
15 portion of that inventory.

16 (2) REPORTING.—The Director may require an  
17 agency to include the inventory compiled under sub-  
18 section (a)(1) in a reporting structure determined by  
19 the Director.

20 **SEC. 4. AGENCY LEGACY INFORMATION TECHNOLOGY SYS-**  
21 **TEMS MODERNIZATION PLANS.**

22 (a) IN GENERAL.—Not later than 2 years after the  
23 date of enactment of this Act, and every 5 years there-  
24 after, the head of an agency shall develop and include as  
25 part of the information resource management strategic

1 plan of the agency submitted under section 3506(b)(2) of  
2 title 44, United States Code, a plan to modernize the leg-  
3 acy information technology systems of the agency.

4 (b) CONTENTS.—A modernization plan of an agency  
5 developed under subsection (a) shall include—

6 (1) an inventory of the legacy information tech-  
7 nology systems of the agency;

8 (2) an identification of legacy information tech-  
9 nology systems that the agency has prioritized for  
10 updates, modernization, retirement, or disposal;

11 (3) steps the agency intends to make toward  
12 updating, modernizing, retiring, or disposing of the  
13 legacy information technology systems of the agency  
14 during the 5-year period beginning on the date of  
15 submission of the plan; and

16 (4) any additional information that the Director  
17 determines necessary or useful for the agency to  
18 consider or include to effectively and efficiently exe-  
19 cute the modernization plan, which may include—

20 (A) the capacity of the agency to operate  
21 and maintain an updated or modernized legacy  
22 information technology system;

23 (B) the cost and sources of funding re-  
24 quired to execute the modernization plan;

1 (C) any security standards that an up-  
2 dated or modernized legacy information tech-  
3 nology system must meet;

4 (D) any technology procurement principles  
5 by which the agency should abide;

6 (E) the degree to which updating or mod-  
7 ernizing a legacy information technology system  
8 is anticipated to gain operational efficiencies,  
9 address technology constraints, meet customer  
10 experience expectation, and support adoption of  
11 and integration with other systems based on  
12 comparable up-to-date technology platforms;

13 (F) the ability of the agency to transfer  
14 and use data or intelligence held in an agency  
15 legacy information technology system to include  
16 such data or intelligence in the updated or mod-  
17 ernized system, as necessary; and

18 (G) the ability of the agency to adapt an  
19 updated or modernized legacy information tech-  
20 nology system to changes in policy, technology,  
21 or other user needs, as necessary.

22 (c) PUBLICATION AND SUBMISSION TO CONGRESS.—  
23 Not later than 30 days after the date on which the head  
24 of an agency submits the modernization plan developed  
25 under subsection (a) as part of the information resource

1 management strategic plan of the agency submitted under  
2 section 3506(b)(2) of title 44, United States Code, the  
3 head of the agency shall submit the modernization plan  
4 to the Committee on Homeland Security and Govern-  
5 mental Affairs of the Senate, the Committee on Oversight  
6 and Reform of the House of Representatives, and each  
7 congressional oversight committee of the agency.

8 **SEC. 5. ROLE OF THE OFFICE OF MANAGEMENT AND BUDG-**  
9 **ET.**

10 Not later than 180 days after the date of enactment  
11 of this Act, the Director, in coordination with the Adminis-  
12 trator of the Office of Electronic Government, shall issue  
13 guidance on the implementation of this Act and the  
14 amendments made by this Act, which shall include—

15 (1) criteria to determine whether information  
16 technology qualifies as a “legacy information tech-  
17 nology system” for the purposes of compiling the in-  
18 ventory required under section 3(a)(1);

19 (2) instructions and templates to inform the  
20 compilation of the inventory required under section  
21 3(a)(1), as necessary;

22 (3) instructions and templates to inform the  
23 compilation and publication of, and any subsequent  
24 updates to, the modernization plans required under  
25 section 4(a), as necessary; and



1           (4) any other guidance determined necessary  
 2           for the implementation of this Act or the amend-  
 3           ments made by this Act, including how the imple-  
 4           mentation of this Act or those amendments com-  
 5           plements laws, regulations, and guidance relating to  
 6           information technology modernization.

7 **SEC. 6. COMPUTERS FOR LEARNING PROGRAM.**

8           (a) IN GENERAL.—The head of each agency may  
 9           make available for transfer under subsection (j) of section  
 10          11 of the Stevenson-Wydler Technology Innovation Act of  
 11          1980 (15 U.S.C. 3710), as added by subsection (b) of this  
 12          section, any educationally useful Federal equipment (as  
 13          defined in such subsection) that the agency no longer uses.

14          (b) COMPUTERS FOR LEARNING PROGRAM.—Section  
 15          11 of the Stevenson-Wydler Technology Innovation Act of  
 16          1980 (15 U.S.C. 3710) is amended by adding at the end  
 17          the following:

18           “(j) COMPUTERS FOR LEARNING PROGRAM.—

19           “(1) DEFINITIONS.—In this subsection:

20           “(A) ADMINISTRATOR.—The term ‘Admin-  
 21           istrator’ means the Administrator of General  
 22           Services.

23           “(B) COMMUNITY-BASED EDUCATIONAL  
 24           ORGANIZATION.—The term ‘community-based

1 educational organization’ means a nonprofit en-  
 2 tity—

3 “(i) that is engaged in collaborative  
 4 projects with schools; or

5 “(ii) the primary focus of which is  
 6 education.

7 “(C) EDUCATIONALLY USEFUL FEDERAL  
 8 EQUIPMENT.—The term ‘educationally useful  
 9 Federal equipment’ means—

10 “(i) a computer or related peripheral  
 11 tool that is appropriate for use in pre-  
 12 kindergarten, elementary, middle, or sec-  
 13 ondary school education; and

14 “(ii) includes—

15 “(I) a printer, modem, router,  
 16 server, switch, wireless access point,  
 17 and network management device;

18 “(II) telecommunications and re-  
 19 search equipment; and

20 “(III) computer software if the  
 21 transfer of the license of the software  
 22 is permitted.

23 “(D) ELIGIBLE ENTITY.—The term ‘eligi-  
 24 ble entity’ means—

25 “(i) a school; or

1                   “(ii) a community-based educational  
2                   organization.

3                   “(E) FEDERAL EXECUTIVE BOARD.—The  
4                   term ‘Federal Executive Board’ means a Fed-  
5                   eral Executive Board established by the Presi-  
6                   dent under section 960.102 of title 5, Code of  
7                   Federal Regulations or any successor regula-  
8                   tion.

9                   “(F) NONPROFIT ENTITY.—The term  
10                  ‘nonprofit entity’ means an organization de-  
11                  scribed under section 501(c) of the Internal  
12                  Revenue Code of 1986 and exempt from tax-  
13                  ation under section 501(a) of such Code.

14                  “(G) NONPROFIT REUSE OR RECYCLING  
15                  PROGRAM.—The term ‘nonprofit reuse or recy-  
16                  cling program’ a means nonprofit entity that  
17                  has the ability to upgrade computer equipment  
18                  at no or low cost for an eligible entity that  
19                  takes title to the equipment under this sub-  
20                  section.

21                  “(H) RESEARCH EQUIPMENT.—The term  
22                  ‘research equipment’ means property deter-  
23                  mined to be essential to conduct scientific or  
24                  technical research.

25                  “(I) SCHOOL.—The term ‘school’—

1 “(i) means an individual public or pri-  
2 vate educational institution for any grade  
3 level between prekindergarten and twelfth  
4 grade; and

5 “(ii) includes public school districts.

6 “(2) FINDINGS.—Congress finds that—

7 “(A) educationally useful Federal equip-  
8 ment is a vital resource of the United States;  
9 and

10 “(B) educationally useful Federal equip-  
11 ment is a valuable tool for computer education  
12 if—

13 “(i) the equipment can be used as is;  
14 or

15 “(ii) professional technicians, stu-  
16 dents, or recycling efforts can separate the  
17 equipment into parts for other computers  
18 or upgrade the equipment.

19 “(3) REQUIREMENT.—To the greatest extent  
20 practicable, each Federal agency shall protect and  
21 safeguard educationally useful Federal equipment of  
22 the Federal agency, particularly when that equip-  
23 ment is declared excess or surplus, so that the  
24 equipment may be recycled and transferred, if ap-  
25 propriate, to eligible entities under this subsection.

1           “(4) EFFICIENT TRANSFER OF EDUCATIONALLY  
2           USEFUL FEDERAL EQUIPMENT TO SCHOOLS AND  
3           NONPROFIT ORGANIZATIONS.—

4           “(A) TRANSFER.—Each Federal agency  
5           shall, where appropriate, identify educationally  
6           useful Federal equipment that the Federal  
7           agency no longer needs and transfer the educa-  
8           tionally useful equipment to eligible entities  
9           by—

10           “(i) conveying excess educationally  
11           useful Federal equipment directly to an eli-  
12           gible entity pursuant to subsection (i); or

13           “(ii) in accordance with subparagraph  
14           (B), reporting excess educationally useful  
15           Federal equipment to the Administrator  
16           for donation to eligible entities when de-  
17           clared surplus, as described in section  
18           549(b)(2)(A)(ii) of title 40, United States  
19           Code.

20           “(B) ADVANCE REPORTING.—In reporting  
21           excess educationally useful Federal equipment  
22           under subparagraph (A)(ii), a Federal agency  
23           shall report the equipment as far as possible in  
24           advance of the date the equipment becomes ex-  
25           cess, so that the Administrator may attempt to

1           arrange direct transfers from the donating Fed-  
2           eral agency to eligible entities under this sub-  
3           section.

4           “(C) REQUIREMENTS.—In conveying edu-  
5           cationally useful Federal equipment under sub-  
6           paragraph (A)(i)—

7                   “(i) title of the equipment shall trans-  
8                   fer directly from the Federal agency to an  
9                   eligible entity;

10                  “(ii) the Federal agency shall report  
11                  the conveyance to the Administrator; and

12                  “(iii) at the direction of the recipient  
13                  of the equipment, and if appropriate, the  
14                  equipment may be initially conveyed to a  
15                  nonprofit reuse or recycling program for  
16                  upgrade.

17           “(D) TRANSFER BY NONPROFIT REUSE OR  
18           RECYCLING PROGRAM.—A nonprofit reuse or  
19           recycling program to which educationally useful  
20           Federal equipment is conveyed for the purpose  
21           of upgrading for an eligible entity under sub-  
22           paragraph (C)(iii) shall transfer the equipment  
23           to the eligible entity upon the completion of the  
24           upgrade.

1           “(E) RESPONSIBILITY FOR COST.—Any  
2 costs relating to a transfer of educationally use-  
3 ful Federal equipment under this subsection  
4 shall be the responsibility of the eligible entity  
5 that receives the transfer.

6           “(F) OUTREACH.—The Administrator, in  
7 coordination with the Secretary of Education,  
8 shall perform outreach to eligible entities about  
9 the availability of transfers under this sub-  
10 section by all practicable means, including  
11 through television or print media, community  
12 announcements, and the internet.

13           “(G) FEDERAL EXECUTIVE BOARDS.—  
14 Each Federal Executive Board shall help facili-  
15 tate the transfer of educationally useful Federal  
16 equipment from Federal agencies under this  
17 subsection to eligible entities.

18           “(5) GUIDANCE, REGULATIONS, AND ASSIST-  
19 ANCE TO CHIEF INFORMATION OFFICERS.—The Ad-  
20 ministrator—

21           “(A) may issue guidance or regulations to  
22 facilitate the implementation of this subsection;  
23 and

24           “(B) shall provide assistance to the chief  
25 information officers of Federal agencies to en-

1           hance the participation of Federal agencies in  
2           transfers under this subsection.

3           “(6) RULE OF CONSTRUCTION.—Nothing in  
4           this subsection shall be construed to prohibit a re-  
5           cipient of educationally useful Federal equipment  
6           from lending that equipment, whether on a perma-  
7           nent or temporary basis, to a teacher, administrator,  
8           student, employee, or other designated individual in  
9           furtherance of educational goals.

10          “(7) JUDICIAL REVIEW.—Nothing in this sub-  
11          section shall be construed to create any substantive  
12          or procedural right or benefit enforceable by law by  
13          a party against the United States, its agencies, its  
14          officers, or its employees.”.

15 **SEC. 7. COMPTROLLER GENERAL REVIEW.**

16          (a) IN GENERAL.—Not later than 3 years after the  
17          date of enactment of this Act, the Comptroller General  
18          shall submit to the Committee on Homeland Security and  
19          Governmental Affairs of the Senate and the Committee  
20          on Oversight and Reform of the House of Representatives  
21          a report on—

22                 (1) the implementation of this Act and the  
23                 amendments made by this Act; and

24                 (2) how this Act and the amendments made by  
25                 this Act function alongside other information tech-



1 nology modernization offices, policies, and programs,  
2 such as—

3 (A) the Technology Modernization Fund  
4 and the IT working capital fund;

5 (B) the Federal Risk and Authorization  
6 Management Program, the 18F program, and  
7 the 10X program of the General Services Ad-  
8 ministration;

9 (C) programs and policies of the Office of  
10 Management and Budget, including the Office  
11 of Electronic Government and the United  
12 States Digital Service; and

13 (D) any other office, policy, or program of  
14 the Federal Government determined relevant by  
15 the Comptroller General.

16 **SEC. 8. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**  
17 **TION OF NATIONAL SECURITY SYSTEMS.**

18 (a) IN GENERAL.—Nothing in this Act or the amend-  
19 ments made by this Act shall be construed to require the  
20 head of an agency to disclose sensitive information that—

21 (1) is protected from disclosure under any other  
22 law; or

23 (2) that would compromise the security of any  
24 information technology system of the Federal Gov-  
25 ernment.

1       (b) EXEMPTION.—Nothing in this Act or the amend-  
2 ments made by this Act shall be construed to authorize  
3 or require the head of an agency to inventory, develop a  
4 report relating to, or transfer, a national security system.

○