

113TH CONGRESS
2D SESSION

H. R. 4601

To provide additional funding for the Highway Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2014

Ms. KUSTER introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Ways and Means and Agriculture, 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

A BILL

To provide additional funding for the Highway Trust Fund,
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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Deficit Reduction for Infrastructure, Value, and Effi-
6 ciency Now Act of 2014” or the “DRIVE Now Act of
7 2014”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY TRUST FUND

Sec. 101. Funding of Highway Trust Fund.

TITLE II—COST REDUCTION MEASURES

Subtitle A—Data Center Consolidation

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.

Sec. 207. Reduction and consolidation of data centers.

Subtitle B—Repeal of Duplicative Catfish Inspection Program

Sec. 211. Repeal of duplicative catfish inspection program.

Subtitle C—Closing Empty Bank Accounts

Sec. 221. Documenting and closing long-empty Federal bank accounts.

1 **TITLE I—HIGHWAY TRUST FUND**

2 **SEC. 101. FUNDING OF HIGHWAY TRUST FUND.**

3 Section 9503(f) of the Internal Revenue Code of
4 1986 is amended—

5 (1) by redesignating paragraph (5) as para-
6 graph (6); and

7 (2) by inserting after paragraph (4) the fol-
8 lowing:

9 “(5) ADDITIONAL SUMS.—Out of money in the
10 Treasury not otherwise appropriated, there is hereby
11 appropriated \$5,000,000,000 to the Highway Ac-
12 count (as defined in subsection (e)(5)(B)) in the
13 Highway Trust Fund.”.

1 **TITLE II—COST REDUCTION**
2 **MEASURES**
3 **Subtitle A—Data Center**
4 **Consolidation**

5 **SEC. 201. PURPOSE.**

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

8 **SEC. 202. DEFINITIONS.**

9 In this subtitle:

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 of**
14 **the Office of Management and Budget, through the**
15 **Federal Chief Information Officer, as required under**
16 **section 203.**

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

20 (3) **FEDERAL CHIEF INFORMATION OFFICER.**—
21 The term “Federal Chief Information Officer”
22 means the Administrator of the Office of Electronic
23 Government established under section 3602 of title
24 44, United States Code.

1 (4) DATA CENTER.—The term “data center”
2 means a closet, room, floor, or building for the stor-
3 age, management, and dissemination of data and in-
4 formation, as defined by the Federal Chief Informa-
5 tion Officer under guidance issued pursuant to this
6 section.

7 (5) FEDERAL DATA CENTER.—The term “Fed-
8 eral data center” means any data center of a cov-
9 ered agency used or operated by a covered agency,
10 by a contractor of a covered agency, or by another
11 organization on behalf of a covered agency.

12 (6) SERVER UTILIZATION.—The term “server
13 utilization” refers to the activity level of a server rel-
14 ative to its maximum activity level, expressed as a
15 percentage.

16 (7) POWER USAGE EFFECTIVENESS.—The term
17 “power usage effectiveness” means the ratio ob-
18 tained by dividing the total amount of electricity and
19 other power consumed in running a data center by
20 the power consumed by the information and commu-
21 nications technology in the data center.

22 **SEC. 203. FEDERAL DATA CENTER OPTIMIZATION INITIA-**
23 **TIVE.**

24 (a) REQUIREMENT FOR INITIATIVE.—The Federal
25 Chief Information Officer, in consultation with the chief

1 information officers of covered agencies, shall develop and
2 implement an initiative, to be known as the Federal Data
3 Center Optimization Initiative, to optimize the usage and
4 efficiency of Federal data centers by meeting the require-
5 ments of this Act and taking additional measures, as ap-
6 propriate.

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

17 (c) MATTERS COVERED.—The plan shall include—

- 18 (1) descriptions of how covered agencies will
19 use reductions in floor space, energy use, infrastruc-
20 ture, equipment, applications, personnel, increases in
21 multiorganizational use, and other appropriate meth-
22 ods to meet the requirements of the initiative; and
23 (2) appropriate consideration of shifting feder-
24 ally owned data centers to commercially owned data
25 centers.

1 **SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO**
2 **DATA CENTER CONSOLIDATION.**

3 (a) **SERVER UTILIZATION.**—Each covered agency
4 may use the following methods to achieve the maximum
5 server utilization possible as determined by the Federal
6 Chief Information Officer:

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

16 (2) The consolidation of services within existing
17 data centers to increase server utilization rates.

18 (3) Any other method that the Federal Chief
19 Information Officer, in consultation with the chief
20 information officers of covered agencies, determines
21 necessary to optimize server utilization.

22 (b) **POWER USAGE EFFECTIVENESS.**—Each covered
23 agency may use the following methods to achieve the max-
24 imum energy efficiency possible as determined by the Fed-
25 eral Chief Information Officer:

1 (1) The use of the measurement of power usage
2 effectiveness to calculate data center energy effi-
3 ciency.

4 (2) The use of power meters in data centers to
5 frequently measure power consumption over time.

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

8 (4) The adoption of best practices for man-
9 aging—

10 (A) temperature and airflow in data cen-
11 ters; and

12 (B) power supply efficiency.

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

18 **SEC. 205. COST SAVINGS RELATED TO DATA CENTER OPTI-**
19 **MIZATION.**

20 (a) REQUIREMENT TO TRACK COSTS.—

21 (1) IN GENERAL.—Each covered agency shall
22 track costs resulting from implementation of the
23 Federal Data Center Optimization Initiative within
24 the agency and submit a report on those costs annu-
25 ally to the Federal Chief Information Officer. Cov-

1 ered agencies shall determine the net costs from
2 data consolidation on an annual basis.

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

6 (A) Energy costs.

7 (B) Personnel costs.

8 (C) Real estate costs.

9 (D) Capital expense costs.

10 (E) Operating system, database, and other
11 software license expense costs.

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

15 (b) REQUIREMENT TO TRACK SAVINGS.—

16 (1) IN GENERAL.—Each covered agency shall
17 track savings resulting from implementation of the
18 Federal Data Center Optimization Initiative within
19 the agency and submit a report on those savings an-
20 nually to the Federal Chief Information Officer.
21 Covered agencies shall determine the net savings
22 from data consolidation on an 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) Operating system, database, and other
6 software license expense savings.

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

10 (c) REQUIREMENT TO USE COST-EFFECTIVE MEAS-
11 URES.—Covered agencies shall use the most cost-effective
12 measures to implement the Federal Data Center Optimi-
13 zation Initiative.

14 (d) USE OF SAVINGS.—Any savings resulting from
15 implementation of the Federal Data Center Optimization
16 Initiative within a covered agency shall be used for the
17 following purposes:

18 (1) To offset the costs of implementing the Ini-
19 tiative within the agency.

20 (2) To further enhance information technology
21 capabilities and services within the agency.

22 (e) GOVERNMENT ACCOUNTABILITY OFFICE RE-
23 VIEW.—Not later than 3 months after the date of the en-
24 actment of this Act, the Comptroller General of the United
25 States shall examine methods for calculating savings from

1 the Federal Data Center Optimization Initiative and using
2 them for the purposes identified in subsection (d), includ-
3 ing establishment and use of a special revolving fund that
4 supports data centers and server optimization, and shall
5 submit to the Federal Chief Information Officer and Con-
6 gress a report on the Comptroller General's findings and
7 recommendations.

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

11 (a) AGENCY REQUIREMENT TO REPORT TO CIO.—
12 Each year, each covered agency shall submit to the Fed-
13 eral Chief Information Officer a report on the implementa-
14 tion of the Federal Data Center Optimization Initiative,
15 including savings resulting from such implementation. The
16 report shall include an update of the agency's plan for im-
17 plementing the Initiative.

18 (b) FEDERAL CHIEF INFORMATION OFFICER RE-
19 QUIREMENT TO REPORT TO CONGRESS.—Each year, the
20 Federal Chief Information Officer shall submit to the rel-
21 evant congressional committees a report that assesses
22 agency progress in carrying out the Federal Data Center
23 Optimization Initiative and updates the plan under section
24 113. The report may be included as part of the annual

1 report required under section 3606 of title 44, United
2 States Code.

3 **SEC. 207. REDUCTION AND CONSOLIDATION OF DATA CEN-**
4 **TERS.**

5 (a) OMB RECOMMENDATION.—Not later than 6
6 months after the date of the enactment of this Act, the
7 Director of the Office of Management and Budget, in con-
8 sultation with the Administrator of General Services and
9 the heads of other executive agencies, shall issue rec-
10 ommendations for reducing or consolidating the number
11 of Federal data centers in existence as of the date of the
12 enactment of this Act—

13 (1) by at least 40 percent not later than Sep-
14 tember 30, 2018; and

15 (2) by at least 80 percent not later than Sep-
16 tember 30, 2023.

17 (b) REDUCTION OF DATA CENTERS.—Not later than
18 6 months after the issuance of recommendations by the
19 Director under subsection (a), the head of each executive
20 agency shall implement the recommendations by reducing
21 the number of Federal data centers in accordance with
22 such recommendations.

1 **Subtitle B—Repeal of Duplicative**
 2 **Catfish Inspection Program**

3 **SECTION 211. REPEAL OF DUPLICATIVE CATFISH INSPEC-**
 4 **TION PROGRAM.**

5 (a) IN GENERAL.—Effective on the date of the enact-
 6 ment of the Food, Conservation, and Energy Act of 2008
 7 (7 U.S.C. 8701 et seq.), section 11016 of such Act (Public
 8 Law 110–246; 122 Stat. 2130) and the amendments made
 9 by such section are repealed.

10 (b) APPLICATION.—The Agricultural Marketing Act
 11 of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat
 12 Inspection Act (21 U.S.C. 601 et seq.) shall be applied
 13 and administered as if section 11016 (Public Law 110–
 14 246; 122 Stat. 2130) of the Food, Conservation, and En-
 15 ergy Act of 2008 (7 U.S.C. 8701 et seq.) and the amend-
 16 ments made by such section had not been enacted.

17 **Subtitle C—Closing Empty Bank**
 18 **Accounts**

19 **SEC. 221. DOCUMENTING AND CLOSING LONG-EMPTY FED-**
 20 **ERAL BANK ACCOUNTS.**

21 (a) INSPECTORS GENERAL REPORT.—Not later than
 22 6 months after the date of the enactment of this Act, the
 23 Council of the Inspectors General on Integrity and Effi-
 24 ciency shall submit to Congress a report that—

1 (1) lists each bank account held by the United
2 States Government that has a balance of zero dollars
3 for 180 days or more; and

4 (2) recommends which of these accounts should
5 be immediately closed.

6 (b) CLOSURE OF ACCOUNTS REQUIRED.—Not later
7 than 7 days after the report is submitted under subsection
8 (a), the head of each agency with a bank account rec-
9 ommended for closure in the report described in subsection
10 (a) shall close each such account that is managed by the
11 agency.

12 (c) AGENCY DEFINED.—In this section, the term
13 “agency” has the meaning given that term in section 551
14 of title 5, United States Code.

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