

114TH CONGRESS
1ST SESSION

S. 1008

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

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2015

Mr. RISCH introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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,*

3 **SECTION 1. FEDERAL DATA CENTER CONSOLIDATION.**

4 (a) DEFINITIONS.—In this section:

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

9 (2) DATA CENTER.—

1 (A) DEFINITION.—The term “data center”
2 means a closet, room, floor, or building for the
3 storage, management, and dissemination of
4 data and information, as defined by the Admin-
5 istrator in the “Implementation Guidance for
6 the Federal Data Center Consolidation Initia-
7 tive” memorandum, issued on March 19, 2012.

8 (B) AUTHORITY TO MODIFY DEFINI-
9 TION.—The Administrator may promulgate
10 guidance or other clarifications to modify the
11 definition in subparagraph (A) in a manner
12 consistent with this Act, as the Administrator
13 determines necessary.

14 (b) FEDERAL DATA CENTER CONSOLIDATION IN-
15 VENTORIES AND PLANS.—

16 (1) IN GENERAL.—

17 (A) ANNUAL REPORTS.—Each year, begin-
18 ning in fiscal year 2015 through the end of fis-
19 cal year 2019, the head of each agency that is
20 described in subparagraph (E), assisted by the
21 chief information officer of the agency, shall
22 submit to the Administrator—

23 (i) a comprehensive asset inventory of
24 the data centers owned, operated, or main-
25 tained by or on behalf of the agency, even

1 if the center is administered by a third
2 party; and

3 (ii) an updated consolidation plan that
4 includes—

5 (I) a technical roadmap and ap-
6 proach for achieving the agency's tar-
7 gets for infrastructure utilization, en-
8 ergy efficiency (including performance
9 benchmarks such as Power Utilization
10 Effectiveness and use of Energy Star-
11 rated equipment), cost savings and ef-
12 ficiency;

13 (II) a detailed timeline for imple-
14 mentation of the data center consoli-
15 dation plan;

16 (III) quantitative utilization and
17 efficiency goals for reducing assets,
18 improving energy and efficiency, and
19 improving use of information tech-
20 nology infrastructure;

21 (IV) performance metrics by
22 which the progress of the agency to-
23 ward data center consolidation goals
24 can be measured, including metrics to

1 track any gains in energy utilization
2 as a result of this initiative;

3 (V) an aggregation of year-by-
4 year investment and cost savings cal-
5 culations for 5 years past the date of
6 submission of the cost saving assess-
7 ment, including a description of any
8 initial costs for data center consolida-
9 tion and life cycle cost savings;

10 (VI) quantitative progress to-
11 wards previously stated goals includ-
12 ing cost savings (including savings
13 measured on a total cost of ownership
14 basis) and increases in operational ef-
15 ficiencies and utilization; and

16 (VII) any additional information
17 required by the Administrator.

18 (B) USE OF EXISTING REPORTING STRUC-
19 TURES.—The Administrator may require agen-
20 cies described in subparagraph (E) to submit
21 any information required to be submitted under
22 this subsection through reporting structures in
23 use as of the date of enactment of this Act.

24 (C) CERTIFICATION.—Each year, begin-
25 ning in fiscal year 2015 through the end of fis-

1 cal year 2019, the head of an agency, acting
2 through the chief information officer of the
3 agency, shall submit a statement to the Admin-
4 istrator certifying that the agency has complied
5 with the requirements of this Act.

6 (D) INSPECTOR GENERAL REPORT.—

7 (i) IN GENERAL.—The Inspector Gen-
8 eral for each agency described in subpara-
9 graph (E) shall release a public report not
10 later than 6 months after the date on
11 which the agency releases the first updated
12 asset inventory in fiscal year 2015 under
13 subparagraph (A)(i), which shall evaluate
14 the completeness of the inventory of the
15 agency.

16 (ii) AGENCY RESPONSE.—The head of
17 each agency shall respond to the report
18 completed by the Inspector General for the
19 agency under clause (i), and complete any
20 inventory identified by the Inspector Gen-
21 eral for the agency as incomplete, by the
22 time the agency submits the required in-
23 ventory update for fiscal year 2016.

1 (E) AGENCIES DESCRIBED.—The agencies
2 (including all associated components of the
3 agency) described in this paragraph are the—
4 (i) Department of Agriculture;
5 (ii) Department of Commerce;
6 (iii) Department of Defense;
7 (iv) Department of Education;
8 (v) Department of Energy;
9 (vi) Department of Health and
10 Human Services;
11 (vii) Department of Homeland Secu-
12 rity;
13 (viii) Department of Housing and
14 Urban Development;
15 (ix) Department of the Interior;
16 (x) Department of Justice;
17 (xi) Department of Labor;
18 (xii) Department of State;
19 (xiii) Department of Transportation;
20 (xiv) Department of Treasury;
21 (xv) Department of Veterans Affairs;
22 (xvi) Environmental Protection Agen-
23 cy;
24 (xvii) General Services Administra-
25 tion;

- 1 (xviii) National Aeronautics and
 2 Space Administration;
 3 (xix) National Science Foundation;
 4 (xx) Nuclear Regulatory Commission;
 5 (xxi) Office of Personnel Manage-
 6 ment;
 7 (xxii) Small Business Administration;
 8 (xxiii) Social Security Administration;
 9 and
 10 (xxiv) United States Agency for Inter-
 11 national Development.

12 (F) AGENCY IMPLEMENTATION OF CON-
 13 SOLIDATION PLANS.—Each agency described in
 14 subparagraph (E), under the direction of the
 15 chief information officer of the agency shall—

16 (i) implement the consolidation plan
 17 required under subparagraph (A)(ii); and

18 (ii) provide to the Administrator an-
 19 nual updates on implementation and cost
 20 savings (including life cycle costs) and effi-
 21 ciency improvements realized through such
 22 consolidation plan.

23 (2) ADMINISTRATOR RESPONSIBILITIES.—The
 24 Administrator shall—

1 (A) establish the deadline, on an annual
 2 basis, for agencies to submit information under
 3 this section;

4 (B) ensure that each certification sub-
 5 mitted under paragraph (1)(C) and each agency
 6 consolidation plan submitted under paragraph
 7 (1)(A)(ii) is made available in a timely manner
 8 to the general public;

9 (C) review the plans submitted under para-
 10 graph (1) to determine whether each plan is
 11 comprehensive and complete;

12 (D) monitor the implementation of the
 13 data center consolidation plan of each agency
 14 described in paragraph (1)(A)(ii); and

15 (E) update the cumulative cost savings
 16 projection on an annual basis as the savings are
 17 realized through the implementation of the
 18 agency plans.

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

21 (A) IN GENERAL.—Not later than 180
 22 days after the date of enactment of this Act, or
 23 by September 30th of fiscal year 2015, which-
 24 ever is later, the Administrator shall develop
 25 and publish a goal for the total amount of

1 planned cost savings by the Federal Govern-
2 ment through the Federal Data Center Consoli-
3 dation Initiative during the 5-year period begin-
4 ning on the date of enactment of this Act,
5 which shall include a breakdown on a year-by-
6 year basis of the projected savings.

7 (B) ANNUAL UPDATE.—

8 (i) IN GENERAL.—Not later than 1
9 year after the date on which the goal de-
10 scribed in subparagraph (A) is determined
11 and each year thereafter until the end of
12 2019, the Administrator shall publish a re-
13 port on the actual savings achieved
14 through the Federal Data Center Consoli-
15 dation Initiative as compared to the pro-
16 jected savings developed under subpara-
17 graph (A) (based on data collected from
18 each affected agency under paragraph (1)).

19 (ii) UPDATE FOR CONGRESS.—The re-
20 port required under subparagraph (A)
21 shall be submitted to Congress and shall
22 include an update on the progress made by
23 each agency described in subsection para-
24 graph (1)(E) on—

1 (I) whether each agency has in
2 fact submitted a comprehensive asset
3 inventory;

4 (II) whether each agency has
5 submitted a comprehensive consolida-
6 tion plan with the key elements de-
7 scribed in paragraph (1)(A)(ii); and

8 (III) the progress, if any, of each
9 agency on implementing the consolida-
10 tion plan of the agency.

11 (iii) REQUEST FOR REPORTS.—Upon
12 request from the Committee on Homeland
13 Security and Governmental Affairs of the
14 Senate or the Committee on Oversight and
15 Government Reform of the House of Rep-
16 resentatives, the head of an agency de-
17 scribed in paragraph (1)(E) or the Direc-
18 tor of the Office of Management and
19 Budget shall submit to the requesting com-
20 mittee any report or information submitted
21 to the Office of Management and Budget
22 for the purpose of preparing a report re-
23 quired under clause (i) or an updated
24 progress report required under clause (ii).

1 (4) GAO REVIEW.—The Comptroller General of
2 the United States shall, on an annual basis, publish
3 a report on—

4 (A) the quality and completeness of each
5 agency's asset inventory and consolidation plans
6 required under paragraph (1)(A);

7 (B) each agency's progress on implementa-
8 tion of the consolidation plans submitted under
9 paragraph (1)(A);

10 (C) overall planned and actual cost savings
11 realized through implementation of the consoli-
12 dation plans submitted under paragraph (1)(A);

13 (D) any steps that the Administrator could
14 take to improve implementation of the data cen-
15 ter consolidation initiative; and

16 (E) any matters for Congressional consid-
17 eration in order to improve or accelerate the
18 implementation of the data center consolidation
19 initiative.

20 (5) RESPONSE TO GAO.—

21 (A) IN GENERAL.—If a report required
22 under paragraph (4) identifies any deficiencies
23 or delays in any of the elements described in
24 subparagraphs (A) through (E) of paragraph
25 (4) for an agency, the head of the agency shall

1 respond in writing to the Comptroller General
2 of the United States, not later than 90 days
3 after the date on which the report is published
4 under paragraph (4), with a detailed expla-
5 nation of how the agency will address the defi-
6 ciency.

7 (B) ADDITIONAL REQUIREMENTS.—If the
8 Comptroller General identifies an agency that
9 has repeatedly lagged in implementing the data
10 center consolidation initiative, the Comptroller
11 General may require that the head of the agen-
12 cy submit a statement explaining—

13 (i) why the agency is having difficulty
14 implementing the initiative; and

15 (ii) what structural or personnel
16 changes are needed within the agency to
17 address the problem.

18 (c) ENSURING CYBERSECURITY STANDARDS FOR
19 DATA CENTER CONSOLIDATION AND CLOUD COM-
20 PUTING.—An agency required to implement a data center
21 consolidation plan under this Act and migrate to cloud
22 computing shall do so in a manner that is consistent with
23 Federal guidelines on cloud computing security, includ-
24 ing—

1 (1) applicable provisions found within the Fed-
2 eral Risk and Authorization Management Program
3 of the General Service Administration; and

4 (2) guidance published by the National Insti-
5 tute of Standards and Technology.

6 (d) CLASSIFIED INFORMATION.—The Director of Na-
7 tional Intelligence may waive the requirements of this Act
8 for any element (or component of an element) of the intel-
9 ligence community.

10 (e) SUNSET.—This Act is repealed effective on Octo-
11 ber 1, 2019.

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