

114TH CONGRESS
1ST SESSION

S. 1039

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

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. RISCH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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 the 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 the
20 agency described in subparagraph (E) to sub-
21 mit any information required to be submitted
22 under this subsection through reporting struc-
23 tures in use as of the date of enactment of this
24 Act.

1 (C) CERTIFICATION.—Each year, begin-
2 ning in fiscal year 2015 through the end of fis-
3 cal year 2019, the head of the agency, acting
4 through the chief information officer of the
5 agency, shall submit a statement to the Admin-
6 istrator certifying that the agency has complied
7 with the requirements of this Act.

8 (D) INSPECTOR GENERAL REPORT.—

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

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

1 (E) AGENCY DESCRIBED.—The agency de-
2 scribed in this paragraph is the Department of
3 Energy, including all agencies under the juris-
4 diction of the Department of Energy.

5 (F) AGENCY IMPLEMENTATION OF CON-
6 SOLIDATION PLANS.—The agency described in
7 subparagraph (E), under the direction of the
8 chief information officer of the agency shall—

9 (i) implement the consolidation plan
10 required under subparagraph (A)(ii); and

11 (ii) provide to the Administrator an-
12 nual updates on implementation and cost
13 savings (including life cycle costs) and effi-
14 ciency improvements realized through such
15 consolidation plan.

16 (2) ADMINISTRATOR RESPONSIBILITIES.—The
17 Administrator shall—

18 (A) establish the deadline, on an annual
19 basis, for agencies to submit information under
20 this section;

21 (B) ensure that each certification sub-
22 mitted under paragraph (1)(C) and each agency
23 consolidation plan submitted under paragraph
24 (1)(A)(ii) is made available in a timely manner
25 to the general public;

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

4 (D) monitor the implementation of the
5 data center consolidation plan of the agency de-
6 scribed in paragraph (1)(A)(ii); and

7 (E) update the cumulative cost savings
8 projection on an annual basis as the savings are
9 realized through the implementation of the
10 agency plans.

11 (3) COST SAVING GOAL AND UPDATES FOR CON-
12 GRESS.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of enactment of this Act, or
15 by September 30th of fiscal year 2015, which-
16 ever is later, the Administrator shall develop
17 and publish a goal for the total amount of
18 planned cost savings by the Federal Govern-
19 ment through the Federal Data Center Consoli-
20 dation Initiative during the 5-year period begin-
21 ning on the date of enactment of this Act,
22 which shall include a breakdown on a year-by-
23 year basis of the projected savings.

24 (B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is determined and each year thereafter until the end of 2019, the Administrator shall publish a report on the actual savings achieved through the Federal Data Center Consolidation Initiative as compared to the projected savings developed under subparagraph (A) (based on data collected from the agency under paragraph (1)).

(ii) UPDATE FOR CONGRESS.—The report required under subparagraph (A) shall be submitted to Congress and shall include an update on the progress made by the agency described in paragraph (1)(E) on—

(I) whether the agency has in fact submitted a comprehensive asset inventory;

(II) whether the agency has submitted a comprehensive consolidation plan with the key elements described in paragraph (1)(A)(ii); and

1 (III) the progress, if any, of the
2 agency on implementing the consolida-
3 tion plan of the agency.

4 (iii) REQUEST FOR REPORTS.—Upon
5 request from the Committee on Energy
6 and Natural Resources of the Senate or
7 the Committee on Energy and Commerce
8 of the House of Representatives, the head
9 of the agency described in paragraph
10 (1)(E) or the Director of the Office of
11 Management and Budget shall submit to
12 the requesting committee any report or in-
13 formation submitted to the Office of Man-
14 agement and Budget for the purpose of
15 preparing a report required under clause
16 (i) or an updated progress report required
17 under clause (ii).

18 (4) GAO REVIEW.—The Comptroller General of
19 the United States shall, on an annual basis, publish
20 a report on—

21 (A) the quality and completeness of the
22 agency's asset inventory and consolidation plans
23 required under paragraph (1)(A);

1 (B) the agency's progress on implementa-
2 tion of the consolidation plans submitted under
3 paragraph (1)(A);

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

7 (D) any steps that the Administrator could
8 take to improve implementation of the data cen-
9 ter consolidation initiative; and

10 (E) any matters for Congressional consid-
11 eration in order to improve or accelerate the
12 implementation of the data center consolidation
13 initiative.

14 (5) RESPONSE TO GAO.—

15 (A) IN GENERAL.—If a report required
16 under paragraph (4) identifies any deficiencies
17 or delays in any of the elements described in
18 subparagraphs (A) through (E) of paragraph
19 (4) for the agency, the head of the agency shall
20 respond in writing to the Comptroller General
21 of the United States, not later than 90 days
22 after the date on which the report is published
23 under paragraph (4), with a detailed expla-
24 nation of how the agency will address the defi-
25 ciency.

1 (B) ADDITIONAL REQUIREMENTS.—If the
2 Comptroller General identifies that the agency
3 has repeatedly lagged in implementing the data
4 center consolidation initiative, the Comptroller
5 General may require that the head of the agen-
6 cy submit a statement explaining—

7 (i) why the agency is having difficulty
8 implementing the initiative; and

9 (ii) what structural or personnel
10 changes are needed within the agency to
11 address the problem.

12 (c) ENSURING CYBERSECURITY STANDARDS FOR
13 DATA CENTER CONSOLIDATION AND CLOUD COM-
14 PUTING.—The agency required to implement a data center
15 consolidation plan under this Act and migrate to cloud
16 computing shall do so in a manner that is consistent with
17 Federal guidelines on cloud computing security, includ-
18 ing—

19 (1) applicable provisions found within the Fed-
20 eral Risk and Authorization Management Program
21 of the General Services Administration; and

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

24 (d) CLASSIFIED INFORMATION.—The Director of Na-
25 tional Intelligence may waive the requirements of this Act

1 for any element (or component of an element) of the intel-
2 ligence community.

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

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