

Services by enhancing its role in providing guidance to agencies and ensuring that agencies notify requesters of their right to use its mediation services.

The bill would strengthen the independence of this office by allowing it to send testimony and reports directly to Congress without approval from the Office of Management and Budget.

I urge every Member of this body to support this open government legislation by voting for it.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

We don't often find in this body the kind of consensus behind something that, as the ranking member said, has gone both ways under different Presidents.

I am a proud Republican, but I believe that the order given by President Obama was the right order. The order given by President Bush, perhaps in light of 9/11, perhaps in light of other considerations, might have seemed right at the time.

But let me make something clear today: on our committee, there is unanimity. The American people must have access to all the information, unless there is a specific reason to withhold it.

This requirement under FOIA today will drive the DATA Act and other reforms that will cause information to be likely stored in formats that are easier for agencies to determine that which they must withhold. We think it is important.

Today, legions of people often spend countless hours redacting nothing more than one name or one Social Security number that cannot be found, except by a set of eyes scanning over it.

So, in addition to the American people getting what they are entitled to under this act, we believe that it will drive the kind of innovation automation that actually will save the American people money and cause more information to be available.

Just as census data is critical to our economy, so is access to what your government is doing, planning to do, or thought about, talked about, or did in the process of making laws, regulations, and rules.

So I join with my colleague in believing that this is a time in which we say this President acted properly in how he ordered something, we believe codifying it, so that no follow-on President could modify it or fail to deliver what this legislation envisions.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume, and I am about to close.

Again, I want to thank Chairman ISSA for his hard work on this. This is so very, very important.

I often tell my constituents, Mr. Speaker, that this is our watch. We are

the guardians of the democracy today, and it is important to us to pass on a stronger and a better democracy than the one we found when we came upon this Earth.

□ 1515

A significant part of any democracy is openness, where people can know what the government is doing. When you have a representative government, people come to the town hall meetings trying to find out what is going on, and now they can go to computers and find out what is going on. We must have as much openness as possible and as is reasonable, and I think that this is a big step in the right direction of preserving that part of the democracy that calls for transparency.

So I agree with the chairman. This is so much bigger than us. This is not just about this moment. This is about generations yet unborn. This is about people trying simply to be a part of their democracy, who are trying to understand it, who are trying to use information so that they can be participants in it. If they do not know what is going on, it is kind of hard to participate. If they do not know what is going on, it is kind of hard to go to their representatives to urge them to make appropriate changes.

So, with that, I urge all of the Members of this body to vote in favor of this legislation.

With that, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, as I close, I want to thank my partner in this legislation, Mr. CUMMINGS.

In order to get this kind of legislation, you do need to make sure that you have dotted the i's, and I believe we have done so. The minor modification that was made between the time it left the committee and the floor is one that was done on a bipartisan basis. Were this to go back to our committee, of course it would pass unanimously. Therefore, I urge all Members to vote "yes" on H.R. 1211—to support the bill, to support freedom, to support the opportunity for the American people to know.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1232) to amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Information Technology Acquisition Reform Act".

### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

### TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

- Sec. 101. Increased authority of agency Chief Information Officers over information technology.
- Sec. 102. Lead coordination role of Chief Information Officers Council.
- Sec. 103. Reports by Government Accountability Office.

### TITLE II—DATA CENTER OPTIMIZATION

- 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.

### TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

- Sec. 301. Inventory of information technology software assets.
- Sec. 302. Website consolidation and transparency.
- Sec. 303. Transition to the cloud.
- Sec. 304. Elimination of unnecessary duplication of contracts by requiring business case analysis.

### TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

#### Subtitle A—Strengthening and Streamlining IT Program Management Practices

- Sec. 401. Pilot program on interagency collaboration.
- Sec. 402. Designation of assisted acquisition centers of excellence.

#### Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 411. Expansion of training and use of information technology acquisition cadres.
- Sec. 412. Plan on strengthening program and project management performance.
- Sec. 413. Personnel awards for excellence in the acquisition of information systems and information technology.

### TITLE V—ADDITIONAL REFORMS

- Sec. 501. Maximizing the benefit of the Federal strategic sourcing initiative.

- Sec. 502. Governmentwide software purchasing program.
- Sec. 503. Promoting transparency of blanket purchase agreements.
- Sec. 504. Additional source selection technique in solicitations.
- Sec. 505. Enhanced transparency in information technology investments.
- Sec. 506. Enhanced communication between government and industry.
- Sec. 507. Clarification of current law with respect to technology neutrality in acquisition of software.
- Sec. 508. No additional funds authorized.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **CHIEF ACQUISITION OFFICERS COUNCIL.**—The term “Chief Acquisition Officers Council” means the Chief Acquisition Officers Council established by section 1311(a) of title 41, United States Code.

(2) **CHIEF INFORMATION OFFICER.**—The term “Chief Information Officer” means a Chief Information Officer (as designated under section 3506(a)(2) of title 44, United States Code) of an agency listed in section 901(b) of title 31, United States Code.

(3) **CHIEF INFORMATION OFFICERS COUNCIL.**—The term “Chief Information Officers Council” or “CIO Council” means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(4) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(5) **FEDERAL AGENCY.**—The term “Federal agency” means each agency listed in section 901(b) of title 31, United States Code.

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

(7) **INFORMATION TECHNOLOGY OR IT.**—The term “information technology” or “IT” has the meaning provided in section 11101(6) of title 40, United States Code.

(8) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means each of the following:

(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

### TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

#### SEC. 101. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.

(a) **PRESIDENTIAL APPOINTMENT OF CIOs OF CERTAIN AGENCIES.**—

(1) **IN GENERAL.**—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following new subsection (a):

“(a) **PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.**—

“(1) **IN GENERAL.**—There shall be within each agency listed in section 901(b)(1) of title 31 an agency Chief Information Officer. Each agency Chief Information Officer shall—

“(A)(i) be appointed by the President; or

“(ii) be designated by the President, in consultation with the head of the agency; and

“(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management

of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

“(2) **RESPONSIBILITIES.**—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.”

(2) **CONFORMING AMENDMENTS.**—Section 3506(a)(2) of title 44, United States Code, is amended—

(A) by striking “(A) Except as provided under subparagraph (B), the head of each agency” and inserting “The head of each agency, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40,”; and

(B) by striking subparagraph (B).

(b) **AUTHORITY RELATING TO BUDGET AND PERSONNEL.**—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

“(d) **ADDITIONAL AUTHORITIES FOR CERTAIN CIOs.**—

“(1) **BUDGET-RELATED AUTHORITY.**—

“(A) **PLANNING.**—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

“(B) **ALLOCATION.**—Notwithstanding any other provision of law, amounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

“(2) **PERSONNEL-RELATED AUTHORITY.**—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.”

(c) **SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.**—

(1) **REQUIREMENT.**—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) Each agency shall have only one individual with the title and designation of ‘Chief Information Officer’. Any bureau, office, or subordinate organization within the agency may designate one individual with the title ‘Deputy Chief Information Officer’, ‘Associate Chief Information Officer’, or ‘Assistant Chief Information Officer’.”

(2) **EFFECTIVE DATE.**—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect as of October 1, 2014. Any individual serving in a position affected by such section before such date

may continue in that position if the requirements of such section are fulfilled with respect to that individual.

#### SEC. 102. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.

(a) **LEAD COORDINATION ROLE.**—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

“(d) **LEAD INTERAGENCY FORUM.**—

“(1) **IN GENERAL.**—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment. As the lead interagency forum, the Council shall develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms. The Council shall also issue guidelines and practices for infrastructure and common information technology applications, including expansion of the Federal Enterprise Architecture process if appropriate. The guidelines and practices may address broader transparency, common inputs, common outputs, and outcomes achieved. The guidelines and practices shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

“(2) **REPORT.**—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the ‘CIO Council Report’) summarizing the Council’s activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.

“(3) **RELEVANT CONGRESSIONAL COMMITTEES.**—For purposes of the report required by paragraph (2), the relevant congressional committees are each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”

(b) **ADDITIONAL FUNCTION.**—Subsection (f) of section 3603 of such title is amended by adding at the end the following new paragraph:

“(8) Assist the Administrator in developing and providing guidance for effective operations of the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of title 40.”

(c) **REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.**—

(1) **REFERENCES.**—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: “The Administrator may also be referred to as the Federal Chief Information Officer.”

(2) **DEFINITION.**—Section 3601(1) of such title is amended by inserting “or Federal Chief Information Officer” before “means”.

#### SEC. 103. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) **REQUIREMENT TO EXAMINE EFFECTIVENESS.**—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 102, with particular focus on—

(1) whether agencies are actively participating in the Council and heeding the Council’s advice and guidance; and

(2) whether the Council is actively using and developing the capabilities of the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of title 40, United States Code, as added by section 401.

(b) **REPORTS.**—Not later than 1 year, 3 years, and 5 years after the date of the enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (a).

## **TITLE II—DATA CENTER OPTIMIZATION**

### **SEC. 201. PURPOSE.**

The purpose of this title is to optimize Federal data center usage and efficiency.

### **SEC. 202. DEFINITIONS.**

In this title:

(1) **FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.**—The term “Federal Data Center Optimization Initiative” or the “Initiative” means the initiative developed and implemented by the Director, through the Federal Chief Information Officer, as required under section 203.

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

(3) **DATA CENTER.**—The term “data center” means a closet, room, floor, or building for the storage, management, and dissemination of data and information, as defined by the Federal Chief Information Officer under guidance issued pursuant to this section.

(4) **FEDERAL DATA CENTER.**—The term “Federal data center” means any data center of a covered agency used or operated by a covered agency, by a contractor of a covered agency, or by another organization on behalf of a covered agency.

(5) **SERVER UTILIZATION.**—The term “server utilization” refers to the activity level of a server relative to its maximum activity level, expressed as a percentage.

(6) **POWER USAGE EFFECTIVENESS.**—The term “power usage effectiveness” means the ratio obtained by dividing the total amount of electricity and other power consumed in running a data center by the power consumed by the information and communications technology in the data center.

### **SEC. 203. FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.**

(a) **REQUIREMENT FOR INITIATIVE.**—The Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and implement an initiative, to be known as the Federal Data Center Optimization Initiative, to optimize the usage and efficiency of Federal data centers by meeting the requirements of this Act and taking additional measures, as appropriate.

(b) **REQUIREMENT FOR PLAN.**—Within 6 months after the date of the enactment of this Act, the Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and submit to Congress a plan for implementation of the Initiative required by subsection (a) by each covered agency. In developing the plan, the Federal Chief Information Officer shall take into account the findings and recommendations of the Comptroller General review required by section 205(e).

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

(1) descriptions of how covered agencies will use reductions in floor space, energy use, infrastructure, equipment, applications, personnel, increases in multiorganizational use, server virtualization, cloud computing, and other appropriate methods to meet the requirements of the initiative; and

(2) appropriate consideration of shifting Federally owned data center workload to commercially owned data centers.

### **SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO DATA CENTER CONSOLIDATION.**

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

(1) The closing of existing data centers that lack adequate server utilization, as determined by the Federal Chief Information Officer. If the agency fails to close such data centers, the agency shall provide a detailed explanation as to why this data center should remain in use as part of the submitted plan. The Federal Chief Information Officer shall include an assessment of the agency explanation in the annual report to Congress.

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

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

(b) **POWER USAGE EFFECTIVENESS.**—Each covered agency may use the following methods to achieve the maximum energy efficiency possible as determined by the Federal Chief Information Officer:

(1) The use of the measurement of power usage effectiveness to calculate data center energy efficiency.

(2) The use of power meters in facilities dedicated to data center operations to frequently measure power consumption over time.

(3) The establishment of power usage effectiveness goals for each data center.

(4) The adoption of best practices for managing—

(A) temperature and airflow in facilities dedicated to data center operations; and

(B) power supply efficiency.

(5) The implementation of any other method that the Federal Chief Information Officer, in consultation with the Chief Information Officers of covered agencies, determines necessary to optimize data center energy efficiency.

### **SEC. 205. COST SAVINGS RELATED TO DATA CENTER OPTIMIZATION.**

(a) **REQUIREMENT TO TRACK COSTS.**—

(1) **IN GENERAL.**—Each covered agency shall track costs resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those costs annually to the Federal Chief Information Officer. Covered agencies shall determine the net costs from data consolidation on an annual basis.

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

(A) Energy costs.

(B) Personnel costs.

(C) Real estate costs.

(D) Capital expense costs.

(E) Maintenance and support costs such as operating subsystem, database, hardware, and software license expense costs.

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

(b) **REQUIREMENT TO TRACK SAVINGS.**—

(1) **IN GENERAL.**—Each covered agency shall track realized and projected savings resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those savings annually to the Federal Chief Information Officer. Covered agencies shall deter-

mine the net savings from data consolidation on an annual basis.

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

(A) Energy savings.

(B) Personnel savings.

(C) Real estate savings.

(D) Capital expense savings.

(E) Maintenance and support savings such as operating subsystem, database, hardware, and software license expense savings.

(F) Other appropriate savings, as determined by the agency in consultation with the Federal Chief Information Officer.

(3) **PUBLIC AVAILABILITY.**—The Federal Chief Information Officer shall make publicly available a summary of realized and projected savings for each covered agency. The Federal Chief Information Officer shall identify any covered agency that failed to provide the annual report required under paragraph (1).

(c) **REQUIREMENT TO USE COST-EFFECTIVE MEASURES.**—Covered agencies shall use the most cost-effective measures to implement the Federal Data Center Optimization Initiative, such as using estimation to measure or track costs and savings using a methodology approved by the Federal Chief Information Officer.

(d) **GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall examine methods for calculating savings from the Initiative and using them for the purposes identified in subsection (d), including establishment and use of a special revolving fund that supports data centers and server optimization, and shall submit to the Federal Chief Information Officer and Congress a report on the Comptroller General's findings and recommendations.

### **SEC. 206. REPORTING REQUIREMENTS TO CONGRESS AND THE FEDERAL CHIEF INFORMATION OFFICER.**

(a) **AGENCY REQUIREMENT TO REPORT TO CIO.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), each covered agency each year shall submit to the Federal Chief Information Officer a report on the implementation of the Federal Data Center Optimization Initiative, including savings resulting from such implementation. The report shall include an update of the agency's plan for implementing the Initiative.

(2) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall comply with paragraph (1) each year by submitting to the Federal Chief Information Officer a report with relevant information collected under section 2867 of Public Law 112-81 (10 U.S.C 2223a note) or a copy of the report required under section 2867(d) of such law.

(b) **FEDERAL CHIEF INFORMATION OFFICER REQUIREMENT TO REPORT TO CONGRESS.**—Each year, the Federal Chief Information Officer shall submit to the relevant congressional committees a report that assesses agency progress in carrying out the Federal Data Center Optimization Initiative and updates the plan under section 203. The report may be included as part of the annual report required under section 3606 of title 44, United States Code.

## **TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION**

### **SEC. 301. INVENTORY OF INFORMATION TECHNOLOGY SOFTWARE ASSETS.**

(a) **PLAN.**—The Director shall develop a plan for conducting a Governmentwide inventory of information technology software assets.

(b) **MATTERS COVERED.**—The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology software assets, through measures such as reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

(c) AVAILABILITY.—The inventory of information technology software assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

(d) DEADLINE AND SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director shall complete and submit to Congress the plan required by subsection (a).

(e) IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Director shall complete implementation of the plan required by subsection (a).

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review the plan required by subsection (a) and submit to the relevant congressional committees a report on the review.

#### SEC. 302. WEBSITE CONSOLIDATION AND TRANSPARENCY.

(a) WEBSITE CONSOLIDATION.—The Director shall—

(1) in consultation with Federal agencies, and after reviewing the directory of public Federal Government websites of each agency (as required to be established and updated under section 207(f)(3) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note)), assess all the publicly available websites of Federal agencies to determine whether there are duplicative or overlapping websites; and

(2) require Federal agencies to eliminate or consolidate those websites that are duplicative or overlapping.

(b) WEBSITE TRANSPARENCY.—The Director shall issue guidance to Federal agencies to ensure that the data on publicly available websites of the agencies are open and accessible to the public.

(c) MATTERS COVERED.—In preparing the guidance required by subsection (b), the Director shall—

(1) develop guidelines, standards, and best practices for interoperability and transparency;

(2) identify interfaces that provide for shared, open solutions on the publicly available websites of the agencies; and

(3) ensure that Federal agency Internet home pages, web-based forms, and web-based applications are accessible to individuals with disabilities in conformance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(d) DEADLINE FOR GUIDANCE.—The guidance required by subsection (b) shall be issued not later than 180 days after the date of the enactment of this Act.

#### SEC. 303. TRANSITION TO THE CLOUD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that transition to cloud computing

offers significant potential benefits for the implementation of Federal information technology projects in terms of flexibility, cost, and operational benefits.

(b) GOVERNMENTWIDE APPLICATION.—In assessing cloud computing opportunities, the Chief Information Officers Council shall define policies and guidelines for the adoption of Governmentwide programs providing for a standardized approach to security assessment and operational authorization for cloud products and services.

(c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSITION.—In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

#### SEC. 304. ELIMINATION OF UNNECESSARY DUPLICATION OF CONTRACTS BY REQUIRING BUSINESS CASE ANALYSIS.

(a) PURPOSE.—The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) REQUIREMENT FOR BUSINESS CASE APPROVAL.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

##### “§3312. Requirement for business case approval for new Governmentwide contracts.

“(a) IN GENERAL.—An executive agency may not issue a solicitation for a covered Governmentwide contract unless the agency performs a business case analysis for the contract and obtains an approval of the business case analysis from the Administrator for Federal Procurement Policy.

“(b) REVIEW OF BUSINESS CASE ANALYSIS.—

“(1) IN GENERAL.—With respect to any covered Governmentwide contract, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

“(2) BASIS FOR APPROVAL OF BUSINESS CASE.—The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract in a timely and cost-effective manner.

“(c) CONTENT OF BUSINESS CASE ANALYSIS.—The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

“(b) DEFINITIONS.—In this section:

“(1) COVERED GOVERNMENTWIDE CONTRACT.—The term ‘covered Governmentwide contract’ means any contract, blanket purchase agreement, or other contractual in-

strument for acquisition of information technology or other goods or services that allows for an indefinite number of orders to be placed under the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain goods or services. The term does not include—

“(A) a multiple award schedule contract awarded by the General Services Administration;

“(B) a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40;

“(C) orders under Governmentwide contracts in existence before the effective date of this section; or

“(D) any contract in an amount less than \$10,000,000, determined on an average annual basis.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 41, United States Code, is amended by adding after the item relating to section 3311 the following new item:

“3312. Requirement for business case approval for new Governmentwide contracts.”.

(c) REPORT.—Not later than June 1 in each of the next 6 years following the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the relevant congressional committees a report on the implementation of section 3312 of title 41, United States Code, as added by subsection (b), including a summary of the submissions, reviews, approvals, and disapprovals of business case analyses pursuant to such section.

(d) GUIDANCE.—The Administrator for Federal Procurement Policy shall issue guidance for implementing section 3312 of such title.

(e) REVISION OF FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to implement section 3312 of such title.

(g) EFFECTIVE DATE.—Section 3312 of such title is effective on and after 180 days after the date of the enactment of this Act.

#### TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

##### Subtitle A—Strengthening and Streamlining IT Program Management Practices

#### SEC. 401. PILOT PROGRAM ON INTERAGENCY COLLABORATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Chapter 115 of title 40, United States Code, is amended to read as follows:

##### “CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

“Sec.

“11501. Pilot program on interagency collaboration.

##### “§11501. Pilot program on interagency collaboration

“(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Director of the Office of Management and Budget shall conduct a three-year pilot program in accordance with the requirements of this section to test alternative approaches for the management of commonly used information technology by executive agencies.

“(b) ESTABLISHMENT AND PURPOSES.—For purposes of the pilot program, the Director of the Office of Management and Budget shall establish a Federal Infrastructure and Common Application Collaboration Center

(hereafter in this section referred to as the ‘Collaboration Center’) within the Office of Electronic Government established under section 3602 of title 44. The purpose of the Collaboration Center is to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote coordinated program management practices and to develop and maintain requirements for the acquisition of IT infrastructure and common applications commonly used by various Federal agencies.

“(c) ORGANIZATION OF CENTER.—

“(1) MEMBERSHIP.—The Center shall consist of the following members:

“(A) An appropriate number, as determined by the CIO Council, but not less than 12, full-time program managers or cost specialists, all of whom have appropriate experience in the private or Government sector in managing or overseeing acquisitions of IT infrastructure and common applications.

“(B) At least 1 full-time detailee from each of the Federal agencies listed in section 901(b) of title 31, nominated by the respective agency chief information officer for a detail period of not less than 1 year.

“(2) WORKING GROUPS.—The Collaboration Center shall have working groups that specialize in IT infrastructure and common applications identified by the CIO Council. Each working group shall be headed by a separate dedicated program manager appointed by the Federal Chief Information Officer.

“(d) CAPABILITIES AND FUNCTIONS OF THE COLLABORATION CENTER.—For each of the IT infrastructure and common application areas identified by the CIO Council, the Collaboration Center shall perform the following roles, and any other functions as directed by the Federal Chief Information Officer:

“(1) Develop, maintain, and disseminate requirements suitable to establish contracts that will meet the common and general needs of various Federal agencies as determined by the Center. In doing so, the Center shall give maximum consideration to the adoption of commercial standards and industry acquisition best practices, including opportunities for shared services, consideration of total cost of ownership, preference for industry-neutral functional specifications leveraging open industry standards and competition, and use of long-term contracts, as appropriate.

“(2) Develop, maintain, and disseminate reliable cost estimates.

“(3) Lead the review of significant or troubled IT investments or acquisitions as identified by the CIO Council.

“(4) Provide expert aid to troubled IT investments or acquisitions.

“(e) GUIDANCE.—The Director, in consultation with the Chief Information Officers Council, shall issue guidance addressing the scope and operation of the Collaboration Center. The guidance shall require that the collaboration Center report to the Federal Chief Information Officer.

“(f) REPORT TO CONGRESS.—

“(1) IN GENERAL.—The Director shall annually submit to the relevant congressional committees a report detailing the organization, staff, and activities of the Collaboration Center, including—

“(A) a list of IT infrastructure and common applications the Center assisted;

“(B) an assessment of the Center’s achievement in promoting efficiency, shared services, and elimination of unnecessary Government requirements that are contrary to commercial best practices; and

“(C) the use and expenditure of amounts in the Fund established under subsection (i).

“(2) INCLUSION IN OTHER REPORT.—The report may be included as part of the annual E-Government status report required under section 3606 of title 44.

“(g) GUIDELINES FOR ACQUISITION OF IT INFRASTRUCTURE AND COMMON APPLICATIONS.—

“(1) GUIDELINES.—The Collaboration Center shall establish guidelines that, to the maximum extent possible, eliminate inconsistent practices among executive agencies and ensure uniformity and consistency in acquisition processes for IT infrastructure and common applications across the Federal Government.

“(2) CENTRAL WEBSITE.—In preparing the guidelines, the Collaboration Center, in consultation with the Chief Acquisition Officers Council, shall offer executive agencies the option of accessing a central website for best practices, templates, and other relevant information.

“(h) PRICING TRANSPARENCY.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Chief Acquisition Officers Council, the General Services Administration, and the Assisted Acquisition Centers of Excellence, shall compile a price list and catalogue containing current pricing information by vendor for each of its IT infrastructure and common applications categories. The price catalogue shall contain any price provided by a vendor in a contract awarded for the same or similar good or service to any executive agency. The catalogue shall be developed in a fashion ensuring that it may be used for pricing comparisons and pricing analysis using standard data formats. The price catalogue shall not be made public, but shall be accessible to executive agencies.

“(i) AUTHORIZATION TO USE FUND.—In any fiscal year, notwithstanding section 321(c) of title 40, up to five percent of the fees collected during the prior fiscal year under the multiple award schedule contracts entered into by the Administrator of General Services and credited to the Acquisition Services Fund under section 321 of title 40, may be used to fund the activities of the Collaboration Center. Each fiscal year, the Director, in consultation with the Federal Chief Information Officer, shall determine an appropriate amount needed to operate the Collaboration Center and the Administrator of General Services shall transfer amounts only to the extent and in such amounts as are provided in advance in appropriation acts from the Fund to the Director for the Center.

“(j) DEFINITIONS.—In this section:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.

“(2) FEDERAL CHIEF INFORMATION OFFICER.—The term ‘Federal Chief Information Officer’ means the Administrator of the Office of Electronic Government established under section 3602 of title 44.

“(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”

(2) CLERICAL AMENDMENT.—The item relating to chapter 115 in the table of chapters at the beginning of subtitle III of title 40, United States Code, is amended to read as follows:

“115. Information Technology Acquisition Management Practices ..... 11501”.

(b) DEADLINES.—

(1) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director shall issue guidance under section 11501(e) of title 40, United States Code, as added by subsection (a).

(2) CENTER.—Not later than 1 year after the date of the enactment of this Act, the Director shall establish the Federal Infrastructure and Common Application Collaboration Center, in accordance with section 11501(b) of such title, as so added.

(3) GUIDELINES.—Not later than 2 years after the date of the enactment of this Act, the Federal Infrastructure and Common Application Collaboration Center shall establish guidelines in accordance with section 11501(g) of such title, as so added.

(c) CONFORMING AMENDMENT.—Section 3602(c) of title 44, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) all of the functions of the Federal Infrastructure and Common Application Collaboration Center, as required under section 11501 of title 40; and”.

#### SEC. 402. DESIGNATION OF ASSISTED ACQUISITION CENTERS OF EXCELLENCE.

(a) DESIGNATION.—Chapter 115 of title 40, United States Code, as amended by section 401, is further amended by adding at the end the following new section:

#### “SEC. 11502. ASSISTED ACQUISITION CENTERS OF EXCELLENCE.

“(a) PURPOSE.—The purpose of this section is to develop specialized assisted acquisition centers of excellence within the Federal Government to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote—

“(1) the effective use of best acquisition practices;

“(2) the development of specialized expertise in the acquisition of information technology; and

“(3) Governmentwide sharing of acquisition capability to augment any shortage in the information technology acquisition workforce.

“(b) DESIGNATION OF AACES.—Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Information Officers Council, shall designate, redesignate, or withdraw the designation of acquisition centers of excellence within various executive agencies to carry out the functions set forth in subsection (d) in an area of specialized acquisition expertise as determined by the Director. Each such center of excellence shall be known as an ‘Assisted Acquisition Center of Excellence’ or an ‘AACE’.

“(c) USE OF EXISTING AUTHORITY.—This section provides no new authority to establish a franchise fund or revolving fund.

“(d) FUNCTIONS.—The functions of each AACE are as follows:

“(1) BEST PRACTICES.—To promote, develop, and implement the use of best acquisition practices in the area of specialized acquisition expertise that the AACE is designated to carry out by the Director under subsection (b).

“(2) ASSISTED ACQUISITIONS.—To assist all Government agencies in the expedient, strategic, and cost-effective acquisition of the information technology goods or services covered by such area of specialized acquisition expertise by engaging in repeated and frequent acquisition of similar information technology requirements.

“(3) DEVELOPMENT AND TRAINING OF IT ACQUISITION WORKFORCE.—To assist in recruiting and training IT acquisition cadres (referred to in section 1704(j) of title 41).

“(e) CRITERIA.—In designating, redesignating, or withdrawing the designation of an AACE, the Director shall consider, at a minimum, the following matters:

“(1) The subject matter expertise of the host agency in a specific area of information technology acquisition.

“(2) For acquisitions of IT infrastructure and common applications covered by the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of this title, the ability and willingness to collaborate with the Collaboration Center and adhere to the requirements standards established by the Collaboration Center.

“(3) The ability of an AACE to develop customized requirements documents that meet the needs of executive agencies as well as the current industry standards and commercial best practices.

“(4) The ability of an AACE to consistently award and manage various contracts, task or delivery orders, and other acquisition arrangements in a timely, cost-effective, and compliant manner.

“(5) The ability of an AACE to aggregate demands from multiple executive agencies for similar information technology goods or services and fulfill those demands in one acquisition.

“(6) The ability of an AACE to acquire innovative or emerging commercial and non-commercial technologies using various contracting methods, including ways to lower the entry barriers for small businesses with limited Government contracting experiences.

“(7) The ability of an AACE to maximize commercial item acquisition, effectively manage high-risk contract types, increase competition, promote small business participation, and maximize use of available Governmentwide contracts.

“(8) The existence of an in-house cost estimating group with expertise to consistently develop reliable cost estimates that are accurate, comprehensive, well-documented, and credible.

“(9) The ability of an AACE to employ best practices and educate requesting agencies, to the maximum extent practicable, regarding critical factors underlying successful major IT acquisitions, including the following factors:

“(A) Active engagement by program officials with stakeholders.

“(B) Possession by program staff of the necessary knowledge and skills.

“(C) Support of the programs by senior department and agency executives.

“(D) Involvement by end users and stakeholders in the development of requirements.

“(E) Participation by end users in testing of system functionality prior to formal end user acceptance testing.

“(F) Stability and consistency of Government and contractor staff.

“(G) Prioritization of requirements by program staff.

“(H) Maintenance of regular communication with the prime contractor by program officials.

“(I) Receipt of sufficient funding by programs.

“(10) The ability of an AACE to run an effective acquisition intern program in collaboration with the Federal Acquisition Institute or the Defense Acquisition University.

“(11) The ability of an AACE to effectively and properly manage fees received for assisted acquisitions pursuant to this section.

“(f) FUNDS RECEIVED BY AACEs.—

“(1) AVAILABILITY.—Notwithstanding any other provision of law or regulation, funds obligated and transferred from an executive agency in a fiscal year to an AACE for the

acquisition of goods or services covered by an area of specialized acquisition expertise of an AACE, regardless of whether the requirements are severable or non-severable, shall remain available for awards of contracts by the AACE for the same general requirements for the next 5 fiscal years following the fiscal year in which the funds were transferred.

“(2) TRANSITION TO NEW AACE.—If the AACE to which the funds are provided under paragraph (1) becomes unable to fulfill the requirements of the executive agency from which the funds were provided, the funds may be provided to a different AACE to fulfill such requirements. The funds so provided shall be used for the same purpose and remain available for the same period of time as applied when provided to the original AACE.

“(3) RELATIONSHIP TO EXISTING AUTHORITIES.—This subsection does not limit any existing authorities an AACE may have under its revolving or working capital funds authorities.

“(g) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF AACE.—

“(1) REVIEW.—The Comptroller General of the United States shall review and assess—

“(A) the use and management of fees received by the AACEs pursuant to this section to ensure that an appropriate fee structure is established and enforced to cover activities addressed in this section and that no excess fees are charged or retained; and

“(B) the effectiveness of the AACEs in achieving the purpose described in subsection (a), including review of contracts.

“(2) REPORTS.—Not later than 1 year after the designation or redesignation of AACEs under subsection (b), the Comptroller General shall submit to the relevant congressional committees a report containing the findings and assessment under paragraph (1).

“(h) DEFINITIONS.—In this section:

“(1) ASSISTED ACQUISITION.—The term ‘assisted acquisition’ means a type of inter-agency acquisition in which the parties enter into an interagency agreement pursuant to which—

“(A) the servicing agency performs acquisition activities on the requesting agency’s behalf, such as awarding, administering, or closing out a contract, task order, delivery order, or blanket purchase agreement; and

“(B) funding is provided through a franchise fund, the Acquisition Services Fund in section 321 of this title, sections 1535 and 1536 of title 31, or other available methods.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 133 of title 41.

“(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ has the meaning provided that term by section 11501 of this title.

“(i) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 40, United States Code, as amended by section 401, is further amended by adding at the end the following new item:

“11502. Assisted Acquisition Centers of Excellence.”.

#### **Subtitle B—Strengthening IT Acquisition Workforce**

#### **SEC. 411. EXPANSION OF TRAINING AND USE OF INFORMATION TECHNOLOGY ACQUISITION CADRES.**

(a) PURPOSE.—The purpose of this section is to ensure timely progress by Federal agencies toward developing, strengthening, and deploying personnel with highly specialized skills in information technology acquisition, including program and project managers, to be known as information technology acquisition cadres.

(b) REPORT TO CONGRESS.—Section 1704 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(j) STRATEGIC PLAN ON INFORMATION TECHNOLOGY ACQUISITION CADRES.—

“(1) FIVE-YEAR STRATEGIC PLAN TO CONGRESS.—Not later than June 1 following the date of the enactment of this subsection, the Director shall submit to the relevant congressional committees a 5-year strategic plan (to be known as the ‘IT Acquisition Cadres Strategic Plan’) to develop, strengthen, and solidify information technology acquisition cadres. The plan shall include a timeline for implementation of the plan and identification of individuals responsible for specific elements of the plan during the 5-year period covered by the plan.

“(2) MATTERS COVERED.—The plan shall address, at a minimum, the following matters:

“(A) Current information technology acquisition staffing challenges in Federal agencies, by previous year’s information technology acquisition value, and by the Federal Government as a whole.

“(B) The variety and complexity of information technology acquisitions conducted by each Federal agency covered by the plan, and the specialized information technology acquisition workforce needed to effectively carry out such acquisitions.

“(C) The development of a sustainable funding model to support efforts to hire, retain, and train an information technology acquisition cadre of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of inter-agency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

“(D) Any strategic human capital planning necessary to hire, retain, and train an information acquisition cadre of appropriate size and skill at each Federal agency covered by the plan.

“(E) Governmentwide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal information technology acquisition cadre within the Federal agencies covered by the plan.

“(F) New and innovative approaches to workforce development and training, including cross-functional training, rotational development, and assignments both within and outside the Government.

“(G) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, Assisted Acquisition Centers of Excellence, and acquisition intern programs.

“(H) Assessment of the current workforce competency and usage trends in evaluation technique to obtain best value, including proper handling of tradeoffs between price and nonprice factors.

“(I) Assessment of the current workforce competency in designing and aligning performance goals, life cycle costs, and contract incentives.

“(J) Assessment of the current workforce competency in avoiding brand-name preference and using industry-neutral functional specifications to leverage open industry standards and competition.

“(K) Use of integrated program teams, including fully dedicated program managers, for each complex information technology investment.

“(L) Proper assignment of recognition or accountability to the members of an integrated program team for both individual functional goals and overall program success or failure.



“(M) The development of a technology fellows program that includes provisions for recruiting, for rotation of assignments, and for partnering directly with universities with well-recognized information technology programs.

“(N) The capability to properly manage other transaction authority (where such authority is granted), including ensuring that the use of the authority is warranted due to unique technical challenges, rapid adoption of innovative or emerging commercial or noncommercial technologies, or other circumstances that cannot readily be satisfied using a contract, grant, or cooperative agreement in accordance with applicable law and the Federal Acquisition Regulation.

“(O) The use of student internship and scholarship programs as a talent pool for permanent hires and the use and impact of special hiring authorities and flexibilities to recruit diverse candidates.

“(P) The assessment of hiring manager satisfaction with the hiring process and hiring outcomes, including satisfaction with the quality of applicants interviewed and hires made.

“(Q) The assessment of applicant satisfaction with the hiring process, including the clarity of the hiring announcement, the user-friendliness of the application process, communication from the hiring manager or agency regarding application status, and timeliness of the hiring decision.

“(R) The assessment of new hire satisfaction with the onboarding process, including the orientation process, and investment in training and development for employees during their first year of employment.

“(S) Any other matters the Director considers appropriate.

“(3) ANNUAL REPORT.—Not later than June 1 in each of the 5 years following the year of submission of the plan required by paragraph (1), the Director shall submit to the relevant congressional committees an annual report outlining the progress made pursuant to the plan.

“(4) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF THE PLAN AND ANNUAL REPORT.—

“(A) Not later than 1 year after the submission of the plan required by paragraph (1), the Comptroller General of the United States shall review the plan and submit to the relevant congressional committees a report on the review.

“(B) Not later than 6 months after the submission of the first, third, and fifth annual report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General’s findings and recommendations to ensure the objectives of the plan are accomplished.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘Federal agency’ means each agency listed in section 901(b) of title 31.

“(B) The term ‘relevant congressional committees’ means each of the following:

“(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”.

#### **SEC. 412. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.**

(a) **PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.**—Not later than June 1 following the date of the enactment of this Act, the Director, in consultation with the Director of the Office of Personnel Management, shall submit to the relevant congressional committees a plan for

improving management of IT programs and projects.

(b) **MATTERS COVERED.**—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Creation of a specialized career path for program management.

(2) The development of a competency model for program management consistent with the IT project manager model.

(3) A career advancement model that requires appropriate expertise and experience for advancement.

(4) A career advancement model that is more competitive with the private sector and that recognizes both Government and private sector experience.

(5) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, the Assisted Acquisition Centers of Excellence, and acquisition intern programs.

(c) **COMBINATION WITH OTHER CADRES PLAN.**—The Director may combine the plan required by subsection (a) with the IT Acquisition Cadres Strategic Plan required under section 1704(j) of title 41, United States Code, as added by section 411.

#### **SEC. 413. PERSONNEL AWARDS FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) **ELEMENTS.**—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from Government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personnel Management shall establish for purposes of the program.

(c) **AWARD OF CASH BONUSES AND OTHER INCENTIVES.**—In carrying out the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) with a cash bonus, to the extent that the performance of such individual or team warrants the award of such bonus and is authorized by any provision of law;

(2) through promotions and other non-monetary awards;

(3) by publicizing—

(A) acquisition accomplishments by individual employees; and

(B) the tangible end benefits that resulted from such accomplishments, as appropriate; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

### **TITLE V—ADDITIONAL REFORMS**

#### **SEC. 501. MAXIMIZING THE BENEFIT OF THE FEDERAL STRATEGIC SOURCING INITIATIVE.**

Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall prescribe regulations providing that when the Federal Government makes a purchase of services and supplies offered under the Federal Strategic Sourcing Initiative (managed by the Office of Federal Procurement Policy) but such Initiative is not used, the contract file for the purchase shall include a brief analysis of the comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase.

#### **SEC. 502. GOVERNMENTWIDE SOFTWARE PURCHASING PROGRAM.**

(a) **IN GENERAL.**—The Administrator of General Services, in collaboration with the Department of Defense, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

(b) **EXAMINATION OF METHODS.**—In developing the initiative under subsection (a), the Administrator shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government’s acquisition of information technology.

(c) **GOVERNMENTWIDE USER LICENSE AGREEMENT.**—The Administrator, in developing the initiative under subsection (a), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

#### **SEC. 503. PROMOTING TRANSPARENCY OF BLANKET PURCHASE AGREEMENTS.**

(a) **PRICE INFORMATION TO BE TREATED AS PUBLIC INFORMATION.**—The final negotiated price offered by an awardee of a blanket purchase agreement shall be treated as public information.

(b) **PUBLICATION OF BLANKET PURCHASE AGREEMENT INFORMATION.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall make available to the public a list of all blanket purchase agreements entered into by Federal agencies under its Federal Supply Schedules contracts and the prices associated with those blanket purchase agreements. The list and price information shall be updated at least once every 6 months.

#### **SEC. 504. ADDITIONAL SOURCE SELECTION TECHNIQUE IN SOLICITATIONS.**

Section 3306(d) of title 41, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period and inserting “; or” at the end of paragraph (2); and

(3) by adding at the end the following new paragraph:

“(3) stating in the solicitation that the award will be made using a fixed price technical competition, under which all offerors compete solely on nonprice factors and the fixed award price is pre-announced in the solicitation.”.

#### **SEC. 505. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.**

(a) **PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.**—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for all of the IT investments listed in subparagraph (B), notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT.

“(B) INVESTMENTS LISTED.—The investments listed in this subparagraph are the following:

“(i) At least 80 percent (by dollar value) of all information technology investments Governmentwide.

“(ii) At least 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31.

“(iii) Every major information technology investment (as defined by the Office of Management and Budget) in each Federal agency listed in section 901(b) of title 31.

“(C) QUARTERLY REVIEW AND CERTIFICATION.—For each investment listed in subparagraph (B), the agency Chief Information Officer and the program manager of the investment within the agency shall certify, at least once every quarter, that the information is current, accurate, and reflects the risks associated with each listed investment. The Director shall conduct quarterly reviews and publicly identify agencies with an incomplete certification or with significant data quality issues.

“(D) CONTINUOUS AVAILABILITY.—The information required under subparagraph (A), in its most updated form, shall be publicly available at all times.

“(E) WAIVER OR LIMITATION AUTHORITY.—The applicability of subparagraph (A) may be waived or the extent of the information may be limited—

“(i) by the Director, with respect to IT investments Governmentwide; and

“(ii) by the Chief Information Officer of a Federal agency, with respect to IT investments in that agency;

if the Director or the Chief Information Officer, as the case may be, determines that such a waiver or limitation is in the national security interests of the United States.”.

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) of such title, as redesignated by subsection (a), is amended by adding at the end the following: “The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).”.

#### SEC. 506. ENHANCED COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

#### SEC. 507. CLARIFICATION OF CURRENT LAW WITH RESPECT TO TECHNOLOGY NEUTRALITY IN ACQUISITION OF SOFTWARE.

(a) PURPOSE.—The purpose of this section is to establish guidance and processes to clarify that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes that promote procurement choices—

(1) based on performance and value, including the long-term value proposition to the Federal Government;

(2) free of preconceived preferences based on how technology is developed, licensed, or distributed; and

(3) generally including the consideration of proprietary, open source, and mixed source software technologies.

(b) TECHNOLOGY NEUTRALITY.—Nothing in this section shall be construed to modify the Federal Government's long-standing policy of following technology-neutral principles and practices when selecting and acquiring information technology that best fits the needs of the Federal Government.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue guidance concerning the technology-neutral procurement and use of software within the Federal Government.

(d) MATTERS COVERED.—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes proprietary, open source, and mixed source software that meets the definition of the term “commercial item” in section 103 of title 41, United States Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of proprietary, open source, and mixed source software options.

(3) Guidance to define Governmentwide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of proprietary, open source, and mixed source software.

(4) Guidance for the adoption of available commercial practices to acquire proprietary, open source, and mixed source software for widespread Government use, including issues such as security and redistribution rights.

(5) Guidance to establish standard service level agreements for maintenance and support for proprietary, open source, and mixed source software products widely adopted by the Government, as well as the development of Governmentwide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of software.

(6) Guidance on the role and use of the Federal Infrastructure and Common Application Collaboration Center, authorized under section 11501 of title 40, United States Code (as added by section 401), for acquisition of proprietary, open source, and mixed source software.

(e) REPORT TO CONGRESS.—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

(1) an assessment of the effectiveness of the guidance;

(2) an identification of barriers to widespread use by the Federal Government of specific software technologies; and

(3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.

#### SEC. 508. NO ADDITIONAL FUNDS AUTHORIZED.

Except as provided in section 11501(i) of title 40, United States Code, as added by section 401, no additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized or appropriated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

This bill, the Federal IT Acquisition Reform Act, or FITARA, is a slightly modified version of the one that left committee. It was changed only with my cosponsor's concurrence in order to make it more likely to easily pass both bodies. This is, in fact, substantially the same bill, as amended, as the full House voted last year to incorporate in the House version of the defense authorization bill.

H.R. 1232 reforms governmentwide the process by which the government annually acquires and employs, roughly, \$81 billion of Federal information technology. To quote President Obama on November 14, 2013: “One of the things the Federal Government does not do well is information technology procurement.”

Now, that was profound because, in the fifth year of his Presidency, it is very clear that the President has realized that this is a monumental task, one inherited by him, not one created by him.

There are systematic problems in the way that we procure IT, including the nature of the history of individuals at all levels thinking they can buy something, and often they can, but too often our committee sees and reviews billion-dollar writeoffs of IT programs in which you cannot find out who was in charge, in which you cannot find out how they went on so long, and the hardest thing to find out is why they don't work at the end of \$1 billion worth of “in and out” of House production. Indeed, industry experts estimate that as much as 25 percent of the over \$80 billion annual expenditure is mismanaged or is attributable to duplicative investments or simply doesn't come to be used.

We need to enhance the best value to the taxpayer. More importantly, good software saves billions of dollars and countless lives and countless hours if it works. Bad or poorly done software can frustrate the American public and can often deprive them of the very product or service that they expect to receive.

When this bill was originally envisioned, written, and passed out of our committee, no one had heard of the healthcare.gov Web site. Our committee, in fact, had looked at countless other failures within the IT procurement community, including ones at the



Department of Defense and others, including ones that occurred under previous Presidents. We had determined, along with Mr. CONNOLLY, that there were a number of areas in which we needed to make fundamental change. So, although the American people can certainly see the launch of healthcare.gov as a poster child for not done on time, not, perhaps, done on a budget that we would be proud of and certainly something for which you could not find the responsible parties, even when you called them before your committee, let us make this clear: this bill is not about one failure. It is about a governmentwide, longstanding failure that predates this administration.

Among the things that FITARA will do is to create a clear line of responsibility, authority, and accountability over IT investment and management decisions by empowering agency CIOs; creating an operational framework to dramatically enhance the government's ability to procure commonly used IT faster, cheaper, and smarter; and strengthening the IT acquisition workforce. I want to reiterate this, that this is the Federal IT acquisition force. There can be no better investment than to make sure the people whom you trust the most for procuring IT, both from a standpoint of functionality and security, be a well-trained workforce, which is part of what we want to make sure we have.

FITARA accelerates and consolidates and optimizes the organization of government's proliferating data centers, something that my colleague from Virginia has worked on tirelessly. It increases the transparency of IT investment scorecards by requiring 80 percent of governmentwide IT spending to be covered by public Web sites called "IT dashboards," and it ensures procurement decisions give due consideration to all technologies, including open source. I might note that for the \$677 million that initially was spent on healthcare.gov, some of the areas in which the code worked was proven open source technology that was made available.

The discussion draft of this bill was first posted by our committee on its Web site 18 months ago. We held two full committee hearings on the bill, and the language that has evolved through the course of several rewrites and extensive feedback by the contracting and technology communities and experts inside and outside of the government has given us the legislation you see before you today. This is a significant and timely reform that enhances both defense and nondefense procurement, and I urge all Members to support the bill.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

The Federal Information Technology Acquisition Reform Act, FITARA, would make a number of improvements to the management and the acquisition of IT systems in the Federal Govern-

ment. I think if we were to summarize what this bill does we would have to use the words "effective" and "efficient." We would have to use them over and over again, and we would also say that we are going to do better.

It would enhance the authority of the Federal Chief Information Officers, require agencies to optimize the functioning of Federal data centers, eliminate duplicative IT acquisition practices, and strengthen the Federal IT acquisition workforce. These reforms are needed to ensure that the Federal Government makes effective and efficient investments in information technology.

I want to commend Representative ISSA, the chairman of the Oversight and Government Reform Committee, for the bipartisan approach to this legislation. We had two full committee hearings on the concepts of this bill. The draft of the bill was made available for comment prior to the committee's considering it, and we really do appreciate that.

I also want to recognize Representative GERALD CONNOLLY, the ranking member of the Government Operations Subcommittee, for his critical work on drafting this legislation on technology issues generally. He has made himself an expert in this area, and we are the beneficiaries of that expertise. A significant portion of the legislation before us is based on Ranking Member CONNOLLY's own bill to consolidate Federal data centers.

Last year, the GAO issued its most recent high-risk report, which lists several IT projects as being among the Federal Government's highest-risk investments. For instance, a contract to streamline the Army's inventory of weapons systems is more than 12 years behind schedule and is almost \$4 billion over budget. Effective oversight is one of the best weapons against this kind of wasteful spending. Congress has a duty to conduct oversight as well as the obligation to give agencies the tools they need to conduct their own oversight and improve their processes.

Agencies need more well-trained acquisition management professionals to effectively oversee complex systems acquisitions and to ensure that the government is a smart and diligent consumer. If you do not have the people who have the expertise who are doing the acquisitions, you often run into major problems. As has often been said, there is nothing like not knowing what you don't know. The Federal IT Acquisition Reform Act addresses this need by requiring OMB to submit a 5-year plan to develop, strengthen, and solidify IT acquisition cadres.

I understand that the administration has some concerns with this legislation we are considering today, so it is my hope that we can address those concerns as the bill moves forward in the legislative process.

Again, I want to thank Chairman ISSA for all of his hard work and Mr. CONNOLLY for all of his. I urge all of my colleagues to support this legislation.

With that, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I now yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), a man who has worked diligently on the subcommittee to ensure that national security includes Internet security.

Mr. CHAFFETZ. I thank the chairman for his good work on this. Without Chairman ISSA's leadership on this issue, we would not have this bill here today. I appreciate his work and dedication and passion on this issue. I appreciate Mr. CUMMINGS. I also appreciate Mr. CONNOLLY and the good work he does on this topic.

Mr. Speaker, I hope what people see here is a bipartisan approach to something that is a very large problem. There is a great imperative that we deal with this and deal with it right away. The Federal Government spent more than \$600 billion over the past decade on information technology, and we spend, roughly, \$80 billion a year just on IT. It is a critical component to making sure that we do have an effective and responsive government.

Now, of the \$80 billion or so that is spent each year, about one-third is spent on new procurement projects, and about two-thirds is spent on the operation and maintenance of existing or obsolete systems. It takes so much more energy and personnel to go through obsolete systems than it does to quickly replace with software and hardware and personnel new information technology systems that will make our government more responsive and more effective. There is nothing more frustrating than trying to work with an operating system that is no longer supported by the company that even makes the operating system. We have heard horror stories of people working on DOS operating systems. They are still looking at green screens, for goodness sakes. This is an imperative, and we have to make sure it is prioritized.

□ 1530

Some industry experts have estimated that as much as 70 percent of new IT acquisitions fail or require rebaselining. The Technology CEO Council, made up of top industry experts, estimates that \$20 billion of the \$80 billion we spend is wasted every year on mismanaged and duplicative IT programs.

The GAO has estimated that the Departments of Treasury, Agriculture, Energy, and State spend well over 80 percent of their IT budgets on operations and maintenance of potentially obsolete systems.

We can do better on this. We are united in a bipartisan way. I encourage my colleagues to pass this bill.

Again, Mr. Speaker, I appreciate Chairman ISSA and his leadership on this issue, and I urge a "yes" vote on this bill.

Mr. CUMMINGS. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. CONNOLLY), a man who has

worked very hard on this legislation with Chairman Issa.

Mr. CONNOLLY. I thank my good friend and our distinguished ranking member of the committee, Mr. CUMMINGS, for his graciousness and generosity. He has been a great leader and a great mentor in our committee. I also thank the distinguished chairman, Mr. ISSA, for his leadership on this legislation. I have been proud to cosponsor and coauthor this bill with him.

In the 21st century, Mr. Speaker, effective governance is inextricably linked with how well government leverages technology to serve its citizens. Yet our current Federal laws governing IT management and procurement are antiquated and out of step with technological change and growth and yield poor results.

Far too often, cumbersome bureaucracy stifles innovation and prevents government from efficiently buying and deploying cutting-edge technology. Program failure and cost overruns plague the vast majority of major Federal IT investments.

As the distinguished chairman indicated, if only the rollout of the health care Web site were a unique incident. Unfortunately, it actually characterizes most major Federal IT procurement rollouts.

Some Federal managers report as much as 47 percent of their budgets are spent on maintaining inadequate or antiquated IT platforms. That is 47 percent.

In recent decades, taxpayers have been forced to foot the bill for massive IT program failures that ring up staggeringly high costs but exhibit astonishingly poor performance. For example, the Air Force invested 6 years in a modernization effort that cost more than \$1 billion but failed to deliver a usable product, prompting the Assistant Secretary to state:

I am personally appalled at the limited capabilities that program has produced relative to that amount of investment.

This status quo is neither acceptable nor sustainable.

Again, I want to thank Chairman Issa for working with me in a productive manner to develop the bipartisan Issa-Connolly Federal Information Technology Acquisition Reform Act, or FITARA. This bipartisan legislation seeks to comprehensively streamline and strengthen the Federal IT acquisition process and promote the adoption of the best practices from the technology community.

The reform measure before us recognizes that effective Federal IT procurement reform must start with leadership and accountability. It is absolutely essential that a department's top leadership understands how critical effective IT investments are to an agency's operations and ability to carry out its future mission.

We must elevate and enhance the prestige and, more importantly, the authorities of CIOs across the Federal Government to hold them accountable

and to give them the flexibility to effectively manage an agency's IT portfolio. Agency heads need talented leaders to serve as their primary advisers on IT management; to recruit and retain talented IT staff, as the distinguished chairman has indicated; and to oversee critical IT investments across the organization. Title I of our legislation would accomplish this while also avoiding one-size-fits-all solutions by allowing agencies significant discretion in implementing the various aspects of this new law.

Our bill would also accelerate data center optimization, as the distinguished ranking member indicated, and provide agencies with flexibility to leverage efficient cloud services and strengthen the accountability and transparency of Federal IT programs.

If enacted, 80 percent of the approximately \$80 billion spent annually on Federal IT investment would be required to be posted on the public IT Dashboard, compared to the 50 percent or less that characterizes that activity today.

Strengthening the transparency requirements is an urgent and much-needed reform in light of the most recent January 2014 GAO report that revealed the IT Dashboard has not been updated for 15 of the last 24 months. This finding is as astonishing as it is unacceptable.

Fortunately, a bipartisan consensus is forming around the urgent need to further streamline and strengthen how the Federal Government acquires and deploys information technology. President Obama has embraced Federal IT procurement reform, and a number of agencies are already taking a lead in the area.

Now is the time, Mr. Speaker, to ensure reforms are adopted government-wide and carry the force of reform law. I urge all of my colleagues to join us in this bipartisan effort in supporting this important and urgently needed reform.

In the 21st century, effective governance is inextricably linked with how well government leverages technology to serve its citizens.

Yet, our current Federal laws governing Federal IT management remain out of step with technological change and growth, with bureaucracy stifling innovation and preventing government from efficiently buying and deploying cutting edge technology.

Simply put, today Federal IT acquisition is often a cumbersome, bureaucratic, and wasteful exercise—characterized by a Federal Government that has no idea what technology it needs, struggles to manage what it has, and consequently wastes billions of taxpayer dollars on failed IT investments.

In recent decades, taxpayers have been forced to foot the bill for massive IT program failures that ring up staggeringly high costs, but exhibit astonishingly poor performance.

Program failure and cost overruns still plague the vast majority of major Federal IT investments, while Federal managers' report that 47 percent of their budget is spent on maintaining antiquated and inadequate IT platforms.

The annual price tag of this wasteful spending on Federal IT programs is estimated to add up to approximately \$20 billion.

The Air Force invested six years in a modernization effort that cost more than \$1 billion, but failed to deliver a usable product, prompting its Assistant Secretary to state, quote "I am personally appalled at the limited capabilities that program has produced relative to that amount of investment."

Of course, failing mission-critical IT investments do not only waste taxpayer dollars, but they jeopardize our Nation's safety, security, and economy.

From malfunctioning Census handheld computers that threatened to undermine a critical constitutional responsibility . . . to a promised electronic border fence that never materialized . . . time and time again, agency missions have been sabotaged by failed IT acquisitions and gross mismanagement.

This status quo is unacceptable and unsustainable.

The question facing us today is how can we modernize an IT procurement process designed for the 20th Century to meet the growing technology demands of the 21st?

There are no quick fixes or legislative silver bullets. However, I strongly believe that if Congress can limit partisan posturing, we may finally have an opportunity to address the core problem at the heart of the HealthCare.gov challenge—our Nation's broken Federal IT procurement system.

I want to thank Chairman Issa for working with me in a productive manner to develop the bipartisan Issa-Connolly Federal Information Technology Acquisition Reform Act, also known as FITARA.

Our bipartisan legislation seeks to comprehensively streamline and strengthen the Federal IT acquisition process and promote the adoption of best practices from the technology community.

We have solicited extensive input from all stakeholders to refine and improve our bill in an open and transparent manner.

The resulting Issa-Connolly reform measure recognizes that effective Federal IT procurement reform must start with leadership and accountability.

It is absolutely vital that a Department's top leadership understands how critical effective IT investments are to an agency's operations and ability to carry out its mission.

After reviewing the findings of extensive oversight reviews, and feedback from those in the trenches, I believe we must elevate and enhance the prestige, and more importantly, the authorities, of CIOs across the Federal Government to hold them accountable for effectively managing an agency's IT portfolio.

Agency heads must have talented leaders to serve as primary advisors on IT management . . . recruit and retain talented IT staff . . . and oversee critical IT investments.

Title I of FITARA would accomplish this, while also avoiding "one-size-fits-all" solutions by allowing agencies significant discretion in implementing the law.

In many respects, FITARA simply provides the force of law behind the August 2011 memorandum authored by then-OMB Director Jacob Lew, which announced that the Administration was committed to, quote:

"changing the role of Agency Chief Information Officers away from just policymaking and infrastructure maintenance, to encompass true portfolio management for all IT."

This will enable CIOs to focus on delivering IT solutions that support the mission and

business effectiveness of their agencies and overcome bureaucratic impediments to deliver enterprise-wide solutions.”

More than two years has passed since that policy memorandum was distributed to agencies, and it has become clear that efforts to reform IT through Administrative actions alone will not suffice.

In fact, if one takes the time to analyze FITARA vis-à-vis existing Administration IT initiatives, one will find that our bipartisan bill is consistent with, and seeks to build on, the nascent Federal IT initiatives that have emerged over the past five years, including those in the 25 Point Plan.

For example, the Issa-Connolly FITARA would enhance the CIO Council's role, tasking it with leading enterprise-wide portfolio management, and coordinating shared services and shared platforms across government.

This bipartisan bill would also empower agencies to eliminate duplicative and wasteful IT contracts that have proliferated for commonly-used, IT Commodity-like investments, such as e-mail.

In this era of austerity, agencies cannot afford to spend precious dollars and time creating duplicative, wasteful contracts for products and licenses they already own. In addition to improving how the government procures IT, this amendment would also enhance how the government deploys these tools.

Our bill would accelerate data center optimization, provide agencies with flexibility to leverage efficient cloud services, and strengthen the accountability and transparency of Federal IT programs.

If enacted, 80 percent of the approximately \$80 billion annual Federal IT investment would be required to be posted on the public IT Dashboard, compared to the 50 percent coverage that exists today.

Strengthening the transparency requirements of the IT Dashboard is an urgent and much needed reform in light of the recent January 2014 GAO report that revealed the IT Dashboard has not been updated for 15 of the past 24 months! This finding was as astonishing as it was unacceptable.

The IT Dashboard was launched in 2009 with great fanfare, and to this day, OMB continues to claim that, quote “The IT Dashboard gives the public access to the same tools and analysis that the government uses to oversee the performance of the Federal IT investments.”

Clearly providing the public with accurate and updated Federal IT investment performance data for only 9 months out of a 2-year period fails to give average citizens access to the same analysis used by agencies.

It certainly undermines OMB's claim that the IT Dashboard was launched to, quote shine “light onto the performance and spending of IT investments,” by ensuring that the public has access to data indicating not only whether a

project is over budget or behind schedule, but providing specific dollars figures and dates.

Consistent with the principle that public contracts are public documents, our amendment also strengthens transparency in regard to the final negotiated price a company charges a Federal agency for a good or service.

Today, far too many agencies negotiate blanket purchase agreements in silos, without any knowledge that another agency has already negotiated a BPA with the same exact vendor, for the same exact product, but at a different price.

Nearly two decades has passed since the Information Technology Management Reform Act and the Federal Acquisition Reform Act were enacted through the National Defense Authorization Act for Fiscal Year 1996—reforms that are better known today as the foundational “Clinger-Cohen Act.”

Fortunately, a bipartisan consensus is finally forming around the urgent need to further streamline and strengthen how the Federal Government acquires and deploys IT. President Obama has embraced Federal IT procurement reform and several agencies are already taking the lead in this area.

Now is the time to ensure reforms are adopted government-wide and carry the force of law.

The bipartisan Issa-Connolly Federal IT Acquisition Reform Act will enhance the statutory framework established by Clinger-Cohen to create an efficient and effective Federal IT procurement system that best serves agencies, industry, and most importantly, the American taxpayer.

I urge all my colleagues to join me in supporting this important and urgently needed bipartisan reform measure.

IT ALLIANCE FOR PUBLIC SECTOR,  
Washington, DC, February 25, 2014.

Re H.R. 1232, the Federal Information Technology Acquisition Reform Act (FITARA)

Hon. DARRELL ISSA,  
*Chairman, House Oversight & Government Reform, Washington, DC.*

Hon. GERRY CONNOLLY,  
*House Oversight & Government Reform, Washington, DC.*

DEAR CHAIRMAN ISSA AND REPRESENTATIVE CONNOLLY: On behalf of the Information Technology Alliance for Public Sector (IT Alliance), I would like to thank you for your continued engagement with industry regarding the Federal Information Technology Acquisition Reform Act (FITARA). We believe that these discussions have led to many improvements to the legislation over the past year. We look forward to continuing this dialogue as the bill advances to the Senate.

The IT Alliance recognizes the importance of revisiting and revising federal information technology management and related acquisition processes, and we appreciate the outreach efforts of the bill's cosponsors and their staffs. We greatly appreciate the additional changes recently made to the bill that include the clarification of applicability to the Department of Defense regarding CIO authorities, the added “optional-use” text around the Acquisition Centers of Excellence, and the removal of the term “low-

cost” from the bill. While we still hold some reservations regarding the Federal Infrastructure and Common Application Collaboration Center, we believe making the program into a pilot allows agencies more flexibility. Additionally, we continue to support many of the provisions and authorities in the bill.

Enhanced Authorities for the Civilian Chief Information Officers (CIOs)—The IT Alliance supports enhanced authority for CIOs, including consolidation of the position to improve management of IT investment decisions, reduce redundancy, and drive efficiency across the entire department. ARWG further supports provisions establishing direct executive agency personnel engagement in the IT investment strategy for the agency.

Multi-Year Revolving Funds for IT Investment—The IT Alliance strongly supports the funding availability for agencies wishing to transition to the cloud. We see this as a significant improvement that will allow the government acquisition of technology to keep pace with innovation, and to provide more flexibility in budget models than currently exists. We further believe this flexibility should be extended to all IT investments.

Transition to the Cloud—The IT Alliance supports the provisions that promote the government's transition to a cloud services environment. Industry has emphasized the need for government to utilize the most innovative advancements in information technology to increase efficiency and reduce costs, and transitioning to the cloud will provide the government with more reliable, more affordable and more flexible access to IT infrastructure than currently exists.

Data Center Optimization—The IT Alliance supports provisions that seek to create effective data center optimization plans. These plans would establish metrics for optimizing data center usage and drive efficiencies in their utilization, while also encouraging the wider use of commercial data centers and commercial cloud services. The bill seeks to eliminate non-optimized data centers, and, subject to appropriations, use the savings achieved to promote other IT capabilities and services throughout the agency involved.

Strengthening the IT Acquisition Workforce—The IT Alliance is also very supportive of provisions that enhance the IT acquisition workforce's capabilities. These provisions, particularly regarding the development of a career path for IT program management, represent a first step to meaningful improvements in the management of IT investments.

Enhanced Communication with Industry—ARWG supports the provisions that encourage a more robust dialogue between industry and government. This promotes federal acquisition personnel having responsible and constructive dialogues with industry and we could not encourage this point more.

Thank you again for your dedication to improving the way the federal government procures information technologies, and for recognizing the need for management, workforce, and technical solutions. We look forward to continuing to work with you and your colleagues as it advances to the Senate to further improve this important bill. Should you have any questions, please feel free to contact Erica McCann of the ITAPS staff if we can be of further assistance.

Respectfully submitted,

A.R. “TREY” HODGKINS III,  
*Senior Vice President, Public Sector.*

Mr. ISSA. Mr. Speaker, can I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from California has 12 minutes

remaining. The gentleman from Maryland has 11½ minutes remaining.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes.

My partners in this are sitting on the other side of the aisle. But this committee has come together to look at a problem as simple as chief information officer doesn't mean "chief." It is simply a hollow title.

This bill, more than anything else to the American people, means that for every piece of major IT procurement, there will be a chief information officer; and that CIO will have budget authority and be held accountable, but also be given the ability to make those decisions, including pulling the "stop" button on a bad piece of legislation.

So the title of CIO and CTO and some of the other titles need to mean something. Our committee unanimously believes that if you are to be a chief, you have to be able to tell the Indians what to do. You can't be a chief in name only, and when something doesn't work, find yourself without the ability to call "halt," to go directly to the agency head or do the other things we would expect the title "chief" to mean.

So, for that reason, I believe it has united a committee behind something that must pass today, go to the Senate and be taken up and become law, if we are going to begin regaining the American people's confidence in our ability to procure large information systems.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with Chairman ISSA. If we are going to have a chief information officer, they need to be what we say they are. They need to have the power to effect change when change is appropriate. They have to have the power to make sure decisions are made to carry out the issues that come up with IT in an effective and efficient manner. I think this legislation is a giant step in the right direction.

With that, Mr. Speaker, I would hope and ask all Members of Congress to vote in favor of this legislation. As I often say, we can always do better. I think that this is one of those times when, through a bipartisan effort, we are making a major statement that we are going to do better.

With that, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

In closing, first, I urge all Members to vote on this important legislation to send a strong message that this is a do-something Congress when it comes to problems that have been around for a very long time.

Secondly, I would like to take a moment, in a bit of personal privilege, to say to the American workforce that work for the Federal Government that, in every investigation by our committee, we have found in every failed project there were legions of good Federal employees who recognized the

problem, sent letters, and who tried to have a program that was not going right to go right or go better.

It is not for lack of many, many in the Federal workforce who are doing their job as best they can. It is for lack of a consolidated and predictable chain of command. It is for lack of the ability to have somebody know they are in charge, bear the full weight, and be qualified.

I have no doubt that, upon enactment of this law, the Federal workforce will begin to breathe a breath of fresh air to know that they are being empowered to do the work they so desperately want to do, and that the tools are going to be added for them and the titles will become a title earned and then used wisely.

Seldom do we spend a lot of time on the House floor talking about how great the Federal workforce is. We are talking about monumental failures. Let's understand that it is not for lack of good programmers, it is not for lack of good contractors, and it is not for lack of well-meaning and dedicated Federal workers that we come today. It is for the need to organize them in a way in which we believe they can be successful. And that is the other part of our committee. We are the Committee on Government and Oversight Reform, and today is a structural reform in how we purchase information technology.

For that, I want to thank my partners on the other side of the aisle because we have been right next to each other on this all the way. I particularly thank Mr. CONNOLLY, who has put his staff and his own personal time into every aspect of this, and who also added his earlier legislation that allows us to bring about the necessary consolidation of duplicative centers spread around the country. They are simply a waste of energy and a waste of software power.

So I see this as a win-win, one in which Republicans and Democrats have come together in a Congress that does not have a great reputation but, on occasion, does great things.

I urge support for this, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 1232 because it begins to fix a broken procurement system that has been on the GAO's "high-risk" list since the early 1990's.

Federal IT procurement has been a black hole of taxpayer dollars long before the deeply flawed rollout of Healthcare.gov. During my service on the House Intelligence Committee from 2003 to 2011, there were billions of dollars spent on IT projects that failed, without a shred of work product recoverable for the taxpayer.

H.R. 1232 will go a long way toward addressing these problems by empowering agency CIOs and developing new IT acquisition guidelines and best practices. This bill is a strong start but I think there's more that can be done.

Congressman Connolly and I have worked together to draft complementary legislation to FITARA, called the Reforming Federal Pro-

curement of Information Technology Act. Our bill would create a new, high-level office of IT experts in the White House charged with reviewing major federal IT projects before they get off track.

Our bill would also make it easier for small, innovative businesses to compete for federal projects by simplifying the contracting process. The Federal Acquisition Regulation is 1,900 pages long, and some agencies have a supplement that's an additional 1,000 pages. This rewards incumbent companies familiar with the rules and prevents open competition and innovation among vendors.

I applaud Congressmen ISSA and CONNOLLY for working together on this important legislation, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1232, as amended. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### TAXPAYERS RIGHT-TO-KNOW ACT

Mr. LANKFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1423) to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1423

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayers Right-To-Know Act".

#### SEC. 2. COST AND PERFORMANCE OF GOVERNMENT PROGRAMS.

(a) AMENDMENT.—Section 1122(a) of title 31, United States Code, is amended by adding at the end the following:

“(3) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—Information for each program described under paragraph (1) shall include the following to be updated not less than annually:

“(i) The total administrative cost of the program for the previous fiscal year.

“(ii) The expenditures for services for the program for the previous fiscal year.

“(iii) An estimate of the number of clients served by the program and beneficiaries who received assistance under the program (if applicable) for the previous fiscal year.

“(iv) An estimate of, for the previous fiscal year—

“(I) the number of full-time Federal employees who administer the program; and

“(II) the number of full-time employees whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance who administer or assist in administering the program.

“(v) An identification of the specific statute that authorizes the program, including whether such authorization is expired.

“(vi) Any finding of duplication or overlap identified by internal review, an Inspector