

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 2262**

To promote energy savings in residential buildings and industry, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 After section 303, insert the following:

2 **SEC. 304. FEDERAL DATA CENTER CONSOLIDATION INITIA-**  
3 **TIVE.**

4 (a) DEFINITIONS.—In this section:

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

9 (2) COVERED AGENCY.—The term “covered  
10 agency” means the following (including all associ-  
11 ated components of the agency):

- 1 (A) Department of Agriculture;
- 2 (B) Department of Commerce;
- 3 (C) Department of Defense;
- 4 (D) Department of Education;
- 5 (E) Department of Energy;
- 6 (F) Department of Health and Human  
7 Services;
- 8 (G) Department of Homeland Security;
- 9 (H) Department of Housing and Urban  
10 Development;
- 11 (I) Department of the Interior;
- 12 (J) Department of Justice;
- 13 (K) Department of Labor;
- 14 (L) Department of State;
- 15 (M) Department of Transportation;
- 16 (N) Department of Treasury;
- 17 (O) Department of Veterans Affairs;
- 18 (P) Environmental Protection Agency;
- 19 (Q) General Services Administration;
- 20 (R) National Aeronautics and Space Ad-  
21 ministration;
- 22 (S) National Science Foundation;
- 23 (T) Nuclear Regulatory Commission;
- 24 (U) Office of Personnel Management;
- 25 (V) Small Business Administration;

1 (W) Social Security Administration; and  
2 (X) United States Agency for International  
3 Development.

4 (3) FDCCI.—The term “FDCCI” means the  
5 Federal Data Center Consolidation Initiative de-  
6 scribed in the Office of Management and Budget  
7 Memorandum on the Federal Data Center Consoli-  
8 dation Initiative, dated February 26, 2010, or any  
9 successor thereto.

10 (4) GOVERNMENT-WIDE DATA CENTER CON-  
11 SOLIDATION AND OPTIMIZATION METRICS.—The  
12 term “Government-wide data center consolidation  
13 and optimization metrics” means the metrics estab-  
14 lished by the Administrator under subsection  
15 (b)(2)(G).

16 (b) FEDERAL DATA CENTER CONSOLIDATION IN-  
17 VENTORIES AND STRATEGIES.—

18 (1) IN GENERAL.—

19 (A) ANNUAL REPORTING.—Each year, be-  
20 ginning in the first fiscal year after the date of  
21 enactment of this Act and each fiscal year  
22 thereafter, the head of each covered agency, as-  
23 sisted by the Chief Information Officer of the  
24 agency, shall submit to the Administrator—

1 (i) a comprehensive inventory of the  
2 data centers owned, operated, or main-  
3 tained by or on behalf of the agency; and

4 (ii) a multi-year strategy to achieve  
5 the consolidation and optimization of the  
6 data centers inventoried under clause (i),  
7 that includes—

8 (I) performance metrics—

9 (aa) that are consistent with  
10 the Government-wide data center  
11 consolidation and optimization  
12 metrics; and

13 (bb) by which the quan-  
14 titative and qualitative progress  
15 of the agency toward the goals of  
16 the FDCCI can be measured;

17 (II) a timeline for agency activi-  
18 ties to be completed under the  
19 FDCCI, with an emphasis on bench-  
20 marks the agency can achieve by spe-  
21 cific dates;

22 (III) year-by-year calculations of  
23 investment and cost savings for the  
24 period beginning on the date of enact-  
25 ment of this Act and ending on the

1 date described in subsection (e), bro-  
2 ken down by each year, including a  
3 description of any initial costs for  
4 data center consolidation and optimi-  
5 zation and life cycle cost savings and  
6 other improvements, with an emphasis  
7 on—

8 (aa) meeting the Govern-  
9 ment-wide data center consolida-  
10 tion and optimization metrics;  
11 and

12 (bb) demonstrating the  
13 amount of agency-specific cost  
14 savings each fiscal year achieved  
15 through the FDCCI; and

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

18 (B) USE OF OTHER REPORTING STRUC-  
19 TURES.—The Administrator may require a cov-  
20 ered agency to include the information required  
21 to be submitted under this subsection through  
22 reporting structures determined by the Admin-  
23 istrator to be appropriate.

24 (C) STATEMENT.—Each year, beginning in  
25 the first fiscal year after the date of enactment

1 of this Act and each fiscal year thereafter, the  
2 head of each covered agency, acting through the  
3 Chief Information Officer of the agency, shall—

4 (i)(I) submit a statement to the Ad-  
5 ministrator stating whether the agency has  
6 complied with the requirements of this sec-  
7 tion; and

8 (II) make the statement submitted  
9 under subclause (I) publically available;  
10 and

11 (ii) if the agency has not complied  
12 with the requirements of this section, sub-  
13 mit a statement to the Administrator ex-  
14 plaining the reasons for not complying  
15 with such requirements.

16 (D) AGENCY IMPLEMENTATION OF STRAT-  
17 EGIES.—Each covered agency, under the direc-  
18 tion of the Chief Information Officer of the  
19 agency, shall—

20 (i) implement the strategy required  
21 under subparagraph (A)(ii); and

22 (ii) provide updates to the Adminis-  
23 trator, on a quarterly basis, of —

24 (I) the completion of activities by  
25 the agency under the FDCCI;

1 (II) any progress of the agency  
2 towards meeting the Government-wide  
3 data center consolidation and optimi-  
4 zation metrics; and

5 (III) the actual cost savings and  
6 other improvements realized through  
7 the implementation of the strategy of  
8 the agency.

9 (E) RULE OF CONSTRUCTION.—Nothing in  
10 this section shall be construed to limit the re-  
11 porting of information by a covered agency to  
12 the Administrator, the Director of the Office of  
13 Management and Budget, or Congress.

14 (2) ADMINISTRATOR RESPONSIBILITIES.—The  
15 Administrator shall—

16 (A) establish the deadline, on an annual  
17 basis, for covered agencies to submit informa-  
18 tion under this section;

19 (B) establish a list of requirements that  
20 the covered agencies must meet to be consid-  
21 ered in compliance with paragraph (1);

22 (C) ensure that information relating to  
23 agency progress towards meeting the Govern-  
24 ment-wide data center consolidation and optimi-

1 zation metrics is made available in a timely  
2 manner to the general public;

3 (D) review the inventories and strategies  
4 submitted under paragraph (1) to determine  
5 whether they are comprehensive and complete;

6 (E) monitor the implementation of the  
7 data center strategy of each covered agency  
8 that is required under paragraph (1)(A)(ii);

9 (F) update, on an annual basis, the cumu-  
10 lative cost savings realized through the imple-  
11 mentation of the FDCCI; and

12 (G) establish metrics applicable to the con-  
13 solidation and optimization of data centers Gov-  
14 ernment-wide, including metrics with respect  
15 to—

16 (i) costs;

17 (ii) efficiencies, including at least  
18 server efficiency; and

19 (iii) any other metrics the Adminis-  
20 trator establishes under this subparagraph.

21 (3) COST SAVING GOAL AND UPDATES FOR CON-  
22 GRESS.—

23 (A) IN GENERAL.—Not later than 1 year  
24 after the date of enactment of this Act, the Ad-  
25 ministrator shall develop, and make publically



1 available, a goal, broken down by year, for the  
2 amount of planned cost savings and optimiza-  
3 tion improvements achieved through the FDCCI  
4 during the period beginning on the date of en-  
5 actment of this Act and ending on the date de-  
6 scribed in subsection (e).

7 (B) ANNUAL UPDATE.—

8 (i) IN GENERAL.—Not later than 1  
9 year after the date on which the goal de-  
10 scribed in subparagraph (A) is made pub-  
11 lically available, and each year thereafter,  
12 the Administrator shall aggregate the re-  
13 ported cost savings of each covered agency  
14 and optimization improvements achieved to  
15 date through the FDCCI and compare the  
16 savings to the projected cost savings and  
17 optimization improvements developed  
18 under subparagraph (A).

19 (ii) UPDATE FOR CONGRESS.—The  
20 goal required to be developed under sub-  
21 paragraph (A) shall be submitted to Con-  
22 gress and shall be accompanied by a state-  
23 ment describing—

24 (I) whether each covered agency  
25 has in fact submitted a comprehensive

1           asset inventory, including an assess-  
2           ment broken down by agency, which  
3           shall include the specific numbers, uti-  
4           lization, and efficiency level of data  
5           centers; and

6                       (II) whether each covered agency  
7           has submitted a comprehensive con-  
8           solidation strategy with the key ele-  
9           ments described in paragraph  
10          (1)(A)(ii).

11          (4) GAO REVIEW.—

12                       (A) IN GENERAL.—Not later than 1 year  
13          after the date of enactment of this Act, and  
14          each year thereafter, the Comptroller General of  
15          the United States shall review and verify the  
16          quality and completeness of the asset inventory  
17          and strategy of each covered agency required  
18          under paragraph (1)(A).

19                       (B) REPORT.—The Comptroller General of  
20          the United States shall, on an annual basis,  
21          publish a report on each review conducted  
22          under subparagraph (A).

23          (c) ENSURING CYBERSECURITY STANDARDS FOR  
24          DATA CENTER CONSOLIDATION AND CLOUD COM-  
25          PUTING.—

1           (1) IN GENERAL.—In implementing a data cen-  
2           ter consolidation and optimization strategy under  
3           this section, a covered agency shall do so in a man-  
4           ner that is consistent with Federal guidelines on  
5           cloud computing security, including—

6                   (A) applicable provisions found within the  
7           Federal Risk and Authorization Management  
8           Program (FedRAMP); and

9                   (B) guidance published by the National In-  
10          stitute of Standards and Technology.

11          (2) RULE OF CONSTRUCTION.—Nothing in this  
12          section shall be construed to limit the ability of the  
13          Director of the Office of Management and Budget to  
14          update or modify the Federal guidelines on cloud  
15          computing security.

16          (d) WAIVER OF DISCLOSURE REQUIREMENTS.—The  
17          Director of National Intelligence may waive the applica-  
18          bility to any element (or component of an element) of the  
19          intelligence community of any provision of this section if  
20          the Director of National Intelligence determines that such  
21          waiver is in the interest of national security. Not later  
22          than 30 days after making a waiver under this subsection,  
23          the Director of National Intelligence shall submit to the  
24          Committee on Homeland Security and Governmental Af-  
25          fairs and the Select Committee on Intelligence of the Sen-

1 ate and the Committee on Oversight and Government Re-  
2 form and the Permanent Select Committee on Intelligence  
3 of the House of Representatives a statement describing  
4 the waiver and the reasons for the waiver.

5 (e) SUNSET.—This section is repealed effective on  
6 October 1, 2018.