

*M.F.B.A.*

9-17-13

10:30a

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

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

IN T	<b>AMENDMENT N<sup>o</sup> 1930</b>	Sess.
	By <i>Bennet</i>	
T	To: <i>S. 1392</i>	ial
Re	<i>12</i>	and
	Page(s)	
	<small>GPO: 2012 77-320 (mac)</small>	

AMENDMENT intended to be proposed by Mr. BENNET (for himself and Mr. COBURN)

Viz:

- 1 Strike section 303 and insert the following:
- 2 **SEC. 303. 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) FDCCI.—The term “FDCCI” means the
- 10 Federal Data Center Consolidation Initiative de-
- 11 scribed in the Office of Management and Budget

1 Memorandum on the Federal Data Center Consoli-  
2 dation Initiative, dated February 26, 2010, or any  
3 successor thereto.

4 (b) FEDERAL DATA CENTER CONSOLIDATION IN-  
5 VENTORIES AND STRATEGIES.—

6 (1) IN GENERAL.—

7 (A) ANNUAL REPORTING.—Each year, be-  
8 ginning in the first fiscal year after the date of  
9 enactment of this Act and for each of the 4 fis-  
10 cal years thereafter, the head of each agency  
11 that is described in subparagraph (D), assisted  
12 by the Chief Information Officer of the agency,  
13 shall submit to the Administrator—

14 (i) a comprehensive asset inventory of  
15 the data centers owned, operated, or main-  
16 tained by or on behalf of the agency, even  
17 if the center is administered by a third  
18 party; and

19 (ii) a multi-year strategy to achieve  
20 the optimization and consolidation of agen-  
21 cy data center assets, that includes—

22 (I) performance metrics—

23 (aa) that are consistent with  
24 performance metrics established  
25 by the Administrator under sub-

1 paragraphs (C) and (G) of para-  
2 graph (2); and

3 (bb) by which the quan-  
4 titative and qualitative progress  
5 of the agency toward data center  
6 consolidation goals can be meas-  
7 ured;

8 (II) a timeline for agency activi-  
9 ties completed under the FDCCI, with  
10 an emphasis on benchmarks the agen-  
11 cy can achieve by specific dates;

12 (III) an aggregation of year-by-  
13 year investment and cost savings cal-  
14 culations for the period beginning on  
15 the date of enactment of this Act and  
16 ending on the date described in sub-  
17 section (e), broken down by each year,  
18 including a description of any initial  
19 costs for data center consolidation and  
20 life cycle cost savings, with an empha-  
21 sis on—

22 (aa) meeting the Govern-  
23 ment-wide performance metrics  
24 described in subparagraphs (C)  
25 and (G) of paragraph (2); and

1 (bb) demonstrating agency-  
2 specific savings each fiscal year  
3 achieved through the FDCCI;  
4 and  
5 (IV) any additional information  
6 required by the Administrator.

7 (B) USE OF EXISTING REPORTING STRUC-  
8 TURES.—The Administrator may require agen-  
9 cies described in subparagraph (D) to submit  
10 any information required to be submitted under  
11 this subsection through reporting structures in  
12 use as of the date of enactment of this Act.

13 (C) CERTIFICATION.—Each year, begin-  
14 ning in the first fiscal year after the date of en-  
15 actment of this Act and for each of the 4 fiscal  
16 years thereafter, acting through the chief infor-  
17 mation officer of the agency, shall submit a  
18 statement to the Administrator certifying that  
19 the agency has complied with the requirements  
20 of this Act.

21 (D) AGENCIES DESCRIBED.—The agencies  
22 (including all associated components of the  
23 agency) described in this paragraph are the—

- 24 (i) Department of Agriculture;  
25 (ii) Department of Commerce;

- 1 (iii) Department of Defense;
- 2 (iv) Department of Education;
- 3 (v) Department of Energy;
- 4 (vi) Department of Health and  
5 Human Services;
- 6 (vii) Department of Homeland Secu-  
7 rity;
- 8 (viii) Department of Housing and  
9 Urban Development;
- 10 (ix) Department of the Interior;
- 11 (x) Department of Justice;
- 12 (xi) Department of Labor;
- 13 (xii) Department of State;
- 14 (xiii) Department of Transportation;
- 15 (xiv) Department of Treasury;
- 16 (xv) Department of Veterans Affairs;
- 17 (xvi) Environmental Protection Agen-  
18 cy;
- 19 (xvii) General Services Administra-  
20 tion;
- 21 (xviii) National Aeronautics and  
22 Space Administration;
- 23 (xix) National Science Foundation;
- 24 (xx) Nuclear Regulatory Commission;

1 (xxi) Office of Personnel Manage-  
2 ment;

3 (xxii) Small Business Administration;

4 (xxiii) Social Security Administration;

5 and

6 (xxiv) United States Agency for Inter-  
7 national Development.

8 (E) AGENCY IMPLEMENTATION OF STRAT-  
9 EGIES.—Each agency described in subpara-  
10 graph (D), under the direction of the Chief In-  
11 formation Officer of the agency shall—

12 (i) implement the consolidation strat-  
13 egy required under subparagraph (A)(ii);  
14 and

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

17 (I) the completion of activities by  
18 the agency under the FDCCI;

19 (II) any progress of the agency  
20 towards meeting the Government-wide  
21 data center performance metrics de-  
22 scribed in subparagraphs (C) and (G)  
23 of paragraph (2); and

1 (III) the actual cost savings real-  
2 ized through the implementation of  
3 the FDCCI.

4 (F) RULE OF CONSTRUCTION.—Nothing in  
5 this paragraph shall be construed to limit the  
6 reporting of information by any agency de-  
7 scribed in subparagraph (F) to the Adminis-  
8 trator, the Director of the Office of Manage-  
9 ment and Budget, or to Congress .

10 (2) ADMINISTRATOR RESPONSIBILITIES.—The  
11 Administrator shall—

12 (A) establish the deadline, on an annual  
13 basis, for agencies to submit information under  
14 this section;

15 (B) establish a list of requirements that  
16 the agencies must meet to be considered in  
17 compliance with paragraph (1);

18 (C) ensure that each certification sub-  
19 mitted under paragraph (1)(C) and information  
20 relating to agency progress towards meeting the  
21 Government-wide total cost of ownership opti-  
22 mization and consolidation metrics is made  
23 available in a timely manner to the general pub-  
24 lic;

1 (D) review the plans submitted under  
2 paragraph (1) to determine whether each plan  
3 is comprehensive and complete;

4 (E) monitor the implementation of the  
5 data center plan of each agency described in  
6 paragraph (1)(A)(ii);

7 (F) update, on an annual basis, the cumu-  
8 lative cost savings realized through the imple-  
9 mentation of the agency plans; and

10 (G) establish Government-wide data center  
11 total cost of ownership optimization and con-  
12 solidation metrics, which shall include server ef-  
13 ficiency and other comprehensive metrics estab-  
14 lished at the discretion of the Administrator.

15 (3) COST SAVING GOAL AND UPDATES FOR CON-  
16 GRESS.—

17 (A) IN GENERAL.—Not later than 1 year  
18 after the date of enactment of this Act, the Ad-  
19 ministrator shall develop and publish a goal for  
20 the total amount of planned cost savings by the  
21 Federal Government through the Federal Data  
22 Center Consolidation Initiative during the 5-  
23 year period beginning on the date of enactment  
24 of this Act, which shall include a breakdown on  
25 a year-by-year basis of the projected savings.

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(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is determined and each year thereafter until the end of 2018, the Administrator shall aggregate the savings achieved to date, by each relevant agency, through the FDCCI as compared to the projected savings developed under subparagraph (A) (based on data collected from each affected agency under paragraph (1)).

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

(I) whether each agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utiliza-

1                   tion, and efficiency level of data cen-  
2                   ters; and

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

7                   (iii) REQUEST FOR INFORMATION.—

8                   Upon request from the Committee on  
9                   Homeland Security and Governmental Af-  
10                  fairs of the Senate or the Committee on  
11                  Oversight and Government Reform of the  
12                  House of Representatives, the head of an  
13                  agency described in paragraph (1)(E) or  
14                  the Director of the Office of Management  
15                  and Budget shall submit to the requesting  
16                  committee any report or information sub-  
17                  mitted to the Office of Management and  
18                  Budget for the purpose of preparing a re-  
19                  port required under clause (i) or an up-  
20                  dated progress report required under  
21                  clause (ii).

22                  (4) GAO REVIEW.—

23                  (A) IN GENERAL.—During the 5-fiscal-  
24                  year period following the date of enactment of  
25                  this Act, the Comptroller General of the United

1 States shall review the quality and complete-  
2 ness, and verify, each agency's asset inventory  
3 and plans required under paragraph (1)(A).

4 (B) REPORT.—The Comptroller General of  
5 the United States shall, on an annual basis dur-  
6 ing the 5-fiscal-year period following the date of  
7 enactment of this Act, publish a report on each  
8 review conducted under subparagraph (A) of an  
9 agency during the fiscal year for which the re-  
10 port is published.

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

18 (1) applicable provisions found within the Fed-  
19 eral Risk and Authorization Management Program  
20 (FedRAMP); and

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

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

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

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