

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 1611

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CARPER (for himself, Mr.
COBURN, and Ms. AYOTTE)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Data Center
5 Consolidation Act of 2013”.

6 **SEC. 2. FEDERAL DATA CENTER CONSOLIDATION INITIA-**
7 **TIVE.**

8 (a) DEFINITIONS.—In this Act:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator for the Office of E-

1 Government and Information Technology within the
2 Office of Management and Budget.

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

6 (A) Department of Agriculture;

7 (B) Department of Commerce;

8 (C) Department of Defense;

9 (D) Department of Education;

10 (E) Department of Energy;

11 (F) Department of Health and Human
12 Services;

13 (G) Department of Homeland Security;

14 (H) Department of Housing and Urban
15 Development;

16 (I) Department of the Interior;

17 (J) Department of Justice;

18 (K) Department of Labor;

19 (L) Department of State;

20 (M) Department of Transportation;

21 (N) Department of Treasury;

22 (O) Department of Veterans Affairs;

23 (P) Environmental Protection Agency;

24 (Q) General Services Administration;

1 (R) National Aeronautics and Space Ad-
2 ministration;
3 (S) National Science Foundation;
4 (T) Nuclear Regulatory Commission;
5 (U) Office of Personnel Management;
6 (V) Small Business Administration;
7 (W) Social Security Administration; and
8 (X) United States Agency for International
9 Development.

10 (3) FDCCI.—The term “FDCCI” means the
11 Federal Data Center Consolidation Initiative de-
12 scribed in the Office of Management and Budget
13 Memorandum on the Federal Data Center Consoli-
14 dation Initiative, dated February 26, 2010, or any
15 successor thereto.

16 (4) GOVERNMENT-WIDE DATA CENTER CON-
17 SOLIDATION AND OPTIMIZATION METRICS.—The
18 term “Government-wide data center consolidation
19 and optimization metrics” means the metrics estab-
20 lished by the Administrator under subsection
21 (b)(2)(G).

22 (b) FEDERAL DATA CENTER CONSOLIDATION IN-
23 VENTORIES AND STRATEGIES.—

24 (1) IN GENERAL.—

1 marks the agency can achieve by spe-
2 cific dates;

3 (III) year-by-year calculations of
4 investment and cost savings for the
5 period beginning on the date of enact-
6 ment of this Act and ending on the
7 date described in subsection (e), bro-
8 ken down by each year, including a
9 description of any initial costs for
10 data center consolidation and optimi-
11 zation and life cycle cost savings and
12 other improvements, with an emphasis
13 on—

14 (aa) meeting the Govern-
15 ment-wide data center consolida-
16 tion and optimization metrics;
17 and

18 (bb) demonstrating the
19 amount of agency-specific cost
20 savings each fiscal year achieved
21 through the FDCCI; and

22 (IV) any additional information
23 required by the Administrator.

24 (B) USE OF OTHER REPORTING STRUC-
25 TURES.—The Administrator may require a cov-

1 ered agency to include the information required
2 to be submitted under this subsection through
3 reporting structures determined by the Admin-
4 istrator to be appropriate.

5 (C) STATEMENT.—Each year, beginning in
6 the first fiscal year after the date of enactment
7 of this Act and each fiscal year thereafter, the
8 head of each covered agency, acting through the
9 chief information officer of the agency, shall—

10 (i)(I) submit a statement to the Ad-
11 ministrator stating whether the agency has
12 complied with the requirements of this Act;
13 and

14 (II) make the statement submitted
15 under subclause (I) publically available;
16 and

17 (ii) if the agency has not complied
18 with the requirements of this Act, submit
19 a statement to the Administrator explain-
20 ing the reasons for not complying with
21 such requirements.

22 (D) AGENCY IMPLEMENTATION OF STRAT-
23 EGIES.—Each covered agency, under the direc-
24 tion of the Chief Information Officer of the
25 agency, shall—

1 (i) implement the strategy required
2 under subparagraph (A)(ii); and

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

5 (I) the completion of activities by
6 the agency under the FDCCI;

7 (II) any progress of the agency
8 towards meeting the Government-wide
9 data center consolidation and optimi-
10 zation metrics; and

11 (III) the actual cost savings and
12 other improvements realized through
13 the implementation of the strategy of
14 the agency.

15 (E) RULE OF CONSTRUCTION.—Nothing in
16 this Act shall be construed to limit the report-
17 ing of information by a covered agency to the
18 Administrator, the Director of the Office of
19 Management and Budget, or to Congress.

20 (2) ADMINISTRATOR RESPONSIBILITIES.—The
21 Administrator shall—

22 (A) establish the deadline, on an annual
23 basis, for agencies to submit information under
24 this section;

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

4 (C) ensure that information relating to
5 agency progress towards meeting the Govern-
6 ment-wide data center consolidation and optimi-
7 zation metrics is made available in a timely
8 manner to the general public;

9 (D) review the inventories and strategies
10 submitted under paragraph (1) to determine
11 whether they are comprehensive and complete;

12 (E) monitor the implementation of the
13 data center strategy of each covered agency
14 that is required under paragraph (1)(A)(ii);

15 (F) update, on an annual basis, the cumu-
16 lative cost savings realized through the imple-
17 mentation of the FDCCI; and

18 (G) establish metrics applicable to the con-
19 solidation and optimization of data centers Gov-
20 ernment-wide, including metrics with respect
21 to—

22 (i) costs;

23 (ii) efficiencies, including at least
24 server efficiency; and

1 (iii) any other metrics the Adminis-
2 trator establishes under this subparagraph.

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

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, the Ad-
7 ministrator shall develop, and make publically
8 available, a goal, broken down by year, for the
9 amount of planned cost savings and optimiza-
10 tion improvements achieved through the FDCCI
11 during the period beginning on the date of en-
12 actment of this Act and ending on the date in
13 subsection (e).

14 (B) ANNUAL UPDATE.—

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

1 (ii) UPDATE FOR CONGRESS.—The
2 goal required to be developed under sub-
3 paragraph (A) shall be submitted to Con-
4 gress and shall be accompanied by a state-
5 ment describing—

6 (I) whether each covered agency
7 has in fact submitted a comprehensive
8 asset inventory, including an assess-
9 ment broken down by agency, which
10 shall include the specific numbers, uti-
11 lization, and efficiency level of data
12 centers; and

13 (II) whether each covered agency
14 has submitted a comprehensive con-
15 solidation strategy with the key ele-
16 ments described in paragraph
17 (1)(A)(ii).

18 (4) GAO REVIEW.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, and
21 each year thereafter, the Comptroller General of
22 the United States shall review and verify the
23 quality and completeness of the asset inventory
24 and strategy of each covered agency required
25 under paragraph (1)(A).

1 (B) REPORT.—The Comptroller General of
2 the United States shall, on an annual basis,
3 publish a report on each review conducted
4 under subparagraph (A).

5 (c) ENSURING CYBERSECURITY STANDARDS FOR
6 DATA CENTER CONSOLIDATION AND CLOUD COM-
7 PUTING.—

8 (1) IN GENERAL.—In implementing a data cen-
9 ter consolidation and optimization strategy under
10 this Act, a covered agency shall do so in a manner
11 that is consistent with Federal guidelines on cloud
12 computing security, including—

13 (A) applicable provisions found within the
14 Federal Risk and Authorization Management
15 Program (FedRAMP); and

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

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 Act shall be construed to limit the ability of the Di-
20 rector of the Office of Management and Budget to
21 update or modify the Federal guidelines on cloud
22 computing security.

23 (d) WAIVER OF DISCLOSURE REQUIREMENTS.—The
24 Director of National Intelligence may waive the applica-
25 bility to any element (or component of an element) of the

1 intelligence community of any provision of this Act if the
2 Director of National Intelligence determines that such
3 waiver is in the interest of national security. Not later
4 than 30 days after making a waiver under this subsection,
5 the Director of National Intelligence shall submit to the
6 Committee on Homeland Security and Governmental Af-
7 fairs and the Select Committee on Intelligence of the Sen-
8 ate and the Committee on Oversight and Government Re-
9 form and the Permanent Select Committee on Intelligence
10 of the House of Representatives a statement describing
11 the waiver and the reasons for the waiver.

12 (e) SUNSET.—This Act is repealed effective on Octo-
13 ber 1, 2018.