

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;

22 (b) FEDERAL DATA CENTER CONSOLIDATION IN-

14 (I) performance metrics—  
15 (aa) that are consistent with  
16 the Government-wide data center  
17 consolidation and optimization  
18 metrics; and

19 (bb) by which the quan-  
20 titative and qualitative progress  
21 of the agency toward the goals of  
22 the FDCCI can be measured;

23 (II) a timeline for agency activi-  
24 ties to be completed under the  
25 FDCCI, with an emphasis on bench-

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

(III) year-by-year calculations of investment and cost savings for the period beginning on the date of enactment of this Act and ending on the date described in subsection (e), broken down by each year, including a description of any initial costs for data center consolidation and optimization and life cycle cost savings and other improvements, with an emphasis 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.

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—

(A) establish the deadline, on an annual basis, for agencies to submit information under 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

(iii) any other metrics the Administrator establishes under this subparagraph.

14 (B) ANNUAL UPDATE.—

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.—

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—

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.