

113TH CONGRESS
1ST SESSION

S. 1611

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

OCTOBER 30, 2013

Mr. BENNET (for himself, Mr. COBURN, and Ms. AYOTTE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator for the Office of E-
3 Government and Information Technology within the
4 Office of Management and Budget.

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

11 (b) FEDERAL DATA CENTER CONSOLIDATION IN-
12 VENTORIES AND STRATEGIES.—

13 (1) IN GENERAL.—

14 (A) ANNUAL REPORTING.—Each year, be-
15 ginning in the first fiscal year after the date of
16 enactment of this Act and for each of the 4 fis-
17 cal years thereafter, the head of each agency
18 that is described in subparagraph (D), assisted
19 by the Chief Information Officer of the agency,
20 shall submit to the Administrator—

21 (i) a comprehensive asset inventory of
22 the data centers owned, operated, or main-
23 tained by or on behalf of the agency, even
24 if the center is administered by a third
25 party; and

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

4 (I) performance metrics—

5 (aa) that are consistent with
6 performance metrics established
7 by the Administrator under sub-
8 paragraphs (C) and (G) of para-
9 graph (2); and

10 (bb) by which the quan-
11 titative and qualitative progress
12 of the agency toward data center
13 consolidation goals can be meas-
14 ured;

15 (II) a timeline for agency activi-
16 ties completed under the FDCCI, with
17 an emphasis on benchmarks the agen-
18 cy can achieve by specific dates;

19 (III) an aggregation of year-by-
20 year investment and cost savings cal-
21 culations for the period beginning on
22 the date of enactment of this Act and
23 ending on the date described in sub-
24 section (e), broken down by each year,
25 including a description of any initial

1 costs for data center consolidation and
2 life cycle cost savings, with an empha-
3 sis on—

4 (aa) meeting the Govern-
5 ment-wide performance metrics
6 described in subparagraphs (C)
7 and (G) of paragraph (2); and

8 (bb) demonstrating agency-
9 specific savings each fiscal year
10 achieved through the FDCCI;
11 and

12 (IV) any additional information
13 required by the Administrator.

14 (B) USE OF EXISTING REPORTING STRUC-
15 TURES.—The Administrator may require agen-
16 cies described in subparagraph (D) to submit
17 any information required to be submitted under
18 this subsection through reporting structures in
19 use as of the date of enactment of this Act.

20 (C) CERTIFICATION.—Each year, begin-
21 ning in the first fiscal year after the date of en-
22 actment of this Act and for each of the 4 fiscal
23 years thereafter, acting through the chief infor-
24 mation officer of the agency, shall submit a
25 statement to the Administrator certifying that

1 the agency has complied with the requirements
2 of this Act.

3 (D) AGENCIES DESCRIBED.—The agencies
4 (including all associated components of the
5 agency) described in this paragraph are the—

6 (i) Department of Agriculture;

7 (ii) Department of Commerce;

8 (iii) Department of Defense;

9 (iv) Department of Education;

10 (v) Department of Energy;

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

13 (vii) Department of Homeland Secu-
14 rity;

15 (viii) Department of Housing and
16 Urban Development;

17 (ix) Department of the Interior;

18 (x) Department of Justice;

19 (xi) Department of Labor;

20 (xii) Department of State;

21 (xiii) Department of Transportation;

22 (xiv) Department of the Treasury;

23 (xv) Department of Veterans Affairs;

24 (xvi) Environmental Protection Agen-
25 cy;

1 (xvii) General Services Administra-
2 tion;

3 (xviii) National Aeronautics and
4 Space Administration;

5 (xix) National Science Foundation;

6 (xx) Nuclear Regulatory Commission;

7 (xxi) Office of Personnel Manage-
8 ment;

9 (xxii) Small Business Administration;

10 (xxiii) Social Security Administration;

11 and

12 (xxiv) United States Agency for Inter-
13 national Development.

14 (E) AGENCY IMPLEMENTATION OF STRAT-
15 EGIES.—Each agency described in subpara-
16 graph (D), under the direction of the Chief In-
17 formation Officer of the agency shall—

18 (i) implement the consolidation strat-
19 egy required under subparagraph (A)(ii);
20 and

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

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

1 (II) any progress of the agency
2 towards meeting the Government-wide
3 data center performance metrics de-
4 scribed in subparagraphs (C) and (G)
5 of paragraph (2); and

6 (III) the actual cost savings real-
7 ized through the implementation of
8 the FDCCI.

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

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

17 (A) establish the deadline, on an annual
18 basis, for agencies to submit information under
19 this section;

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

23 (C) ensure that each certification sub-
24 mitted under paragraph (1)(C) and information
25 relating to agency progress towards meeting the

1 Government-wide total cost of ownership opti-
2 mization and consolidation metrics is made
3 available in a timely manner to the general pub-
4 lic;

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

8 (E) monitor the implementation of the
9 data center plan of each agency described in
10 paragraph (1)(A)(ii);

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

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

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

21 (A) IN GENERAL.—Not later than 1 year
22 after the date of enactment of this Act, the Ad-
23 ministrator shall develop and publish a goal for
24 the total amount of planned cost savings by the
25 Federal Government through the Federal Data

1 Center Consolidation Initiative during the 5-
2 year period beginning on the date of enactment
3 of this Act, which shall include a breakdown on
4 a year-by-year basis of the projected savings.

5 (B) ANNUAL UPDATE.—

6 (i) IN GENERAL.—Not later than 1
7 year after the date on which the goal de-
8 scribed in subparagraph (A) is determined
9 and each year thereafter until the end of
10 2018, the Administrator shall aggregate
11 the savings achieved to date, by each rel-
12 evant agency, through the FDCCI as com-
13 pared to the projected savings developed
14 under subparagraph (A) (based on data
15 collected from each affected agency under
16 paragraph (1)).

17 (ii) UPDATE FOR CONGRESS.—The
18 goal required to be developed and pub-
19 lished under subparagraph (A) shall be
20 submitted to Congress and shall include an
21 update on the progress made by each agen-
22 cy described in subsection paragraph
23 (1)(E) on—

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

1 inventory, including an assessment
2 broken down by agency, which shall
3 include the specific numbers, utiliza-
4 tion, and efficiency level of data cen-
5 ters; and

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

10 (iii) REQUEST FOR INFORMATION.—

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

25 (4) GAO REVIEW.—

1 (A) IN GENERAL.—During the 5-fiscal-
2 year period following the date of enactment of
3 this Act, the Comptroller General of the United
4 States shall review the quality and complete-
5 ness, and verify, each agency’s asset inventory
6 and plans required under paragraph (1)(A).

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

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

21 (1) applicable provisions found within the Fed-
22 eral Risk and Authorization Management Program
23 (FedRAMP); and

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

1 (d) CLASSIFIED INFORMATION.—The Director of Na-
2 tional Intelligence may waive the requirements of this Act
3 for any element (or component of an element) of the intel-
4 ligence community.

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

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