

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. ISSA OF CALIFORNIA AND MR.
CONNOLLY OF VIRGINIA**

At the end of the bill, add the following new division:

1 **DIVISION E—FEDERAL INFOR-**
2 **MATION TECHNOLOGY AC-**
3 **QUISITION REFORM ACT**

4 **SEC. 5001. SHORT TITLE.**

5 This division may be cited as the “Federal Informa-
6 tion Technology Acquisition Reform Act”.

7 **SEC. 5002. TABLE OF CONTENTS.**

8 The table of contents for this division is as follows:

Sec. 5001. Short title.

Sec. 5002. Table of contents.

Sec. 5003. Definitions.

**TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY
WITHIN FEDERAL GOVERNMENT**

Sec. 5101. Increased authority of agency Chief Information Officers over information technology.

Sec. 5102. Lead coordination role of Chief Information Officers Council.

Sec. 5103. Reports by Government Accountability Office.

TITLE LII—DATA CENTER OPTIMIZATION

Sec. 5201. Purpose.

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Sec. 5203. Federal data center optimization initiative.

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Sec. 5205. Cost savings related to data center optimization.

Sec. 5206. Reporting requirements to Congress and the Federal Chief Information Officer.

TITLE LIII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

- Sec. 5301. Inventory of information technology assets.
- Sec. 5302. Website consolidation and transparency.
- Sec. 5303. Transition to the cloud.
- Sec. 5304. Elimination of unnecessary duplication of contracts by requiring business case analysis.

TITLE LIV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management Practices

- Sec. 5401. Establishment of Federal infrastructure and common application collaboration center.
- Sec. 5402. Designation of Assisted Acquisition Centers of Excellence.

Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 5411. Expansion of training and use of information technology acquisition cadres.
- Sec. 5412. Plan on strengthening program and project management performance.
- Sec. 5413. Personnel awards for excellence in the acquisition of information systems and information technology.

TITLE LV—ADDITIONAL REFORMS

- Sec. 5501. Maximizing the benefit of the Federal Strategic Sourcing Initiative.
- Sec. 5502. Promoting transparency of blanket purchase agreements.
- Sec. 5503. Additional source selection technique in solicitations.
- Sec. 5504. Enhanced transparency in information technology investments.
- Sec. 5505. Enhanced communication between Government and industry.
- Sec. 5506. Clarification of current law with respect to technology neutrality in acquisition of software.

1 **SEC. 5003. DEFINITIONS.**

2 In this division:

3 (1) CHIEF ACQUISITION OFFICERS COUNCIL.—

4 The term “Chief Acquisition Officers Council”
5 means the Chief Acquisition Officers Council estab-
6 lished by section 1311(a) of title 41, United States
7 Code.

8 (2) CHIEF INFORMATION OFFICER.—The term
9 “Chief Information Officer” means a Chief Informa-

1 tion Officer (as designated under section 3506(a)(2)
2 of title 44, United States Code) of an agency listed
3 in section 901(b) of title 31, United States Code.

4 (3) CHIEF INFORMATION OFFICERS COUNCIL.—
5 The term “Chief Information Officers Council” or
6 “CIO Council” means the Chief Information Officers
7 Council established by section 3603(a) of title 44,
8 United States Code.

9 (4) DIRECTOR.—The term “Director” means
10 the Director of the Office of Management and Budg-
11 et.

12 (5) FEDERAL AGENCY.—The term “Federal
13 agency” means each agency listed in section 901(b)
14 of title 31, United States Code.

15 (6) FEDERAL CHIEF INFORMATION OFFICER.—
16 The term “Federal Chief Information Officer”
17 means the Administrator of the Office of Electronic
18 Government established under section 3602 of title
19 44, United States Code.

20 (7) INFORMATION TECHNOLOGY OR IT.—The
21 term “information technology” or “IT” has the
22 meaning provided in section 11101(6) of title 40,
23 United States Code.

1 (8) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term “relevant congressional commit-
3 tees” means each of the following:

4 (A) The Committee on Oversight and Gov-
5 ernment Reform and the Committee on Armed
6 Services of the House of Representatives.

7 (B) The Committee on Homeland Security
8 and Governmental Affairs and the Committee
9 on Armed Services of the Senate.

10 **TITLE LI—MANAGEMENT OF IN-**
11 **FORMATION TECHNOLOGY**
12 **WITHIN FEDERAL GOVERN-**
13 **MENT**

14 **SEC. 5101. INCREASED AUTHORITY OF AGENCY CHIEF IN-**
15 **FORMATION OFFICERS OVER INFORMATION**
16 **TECHNOLOGY.**

17 (a) PRESIDENTIAL APPOINTMENT OF CIOs OF CER-
18 TAIN AGENCIES.—

19 (1) IN GENERAL.—Section 11315 of title 40,
20 United States Code, is amended—

21 (A) by redesignating subsection (a) as sub-
22 section (e) and moving such subsection to the
23 end of the section; and

24 (B) by inserting before subsection (b) the
25 following new subsection (a):

1 “(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION
2 OF CERTAIN CHIEF INFORMATION OFFICERS.—

3 “(1) IN GENERAL.—There shall be within each
4 agency listed in section 901(b)(1) of title 31, other
5 than the Department of Defense, an agency Chief
6 Information Officer. Each agency Chief Information
7 Officer shall—

8 “(A)(i) be appointed by the President; or

9 “(ii) be designated by the President, in
10 consultation with the head of the agency; and

11 “(B) be appointed or designated, as appli-
12 cable, from among individuals who possess dem-
13 onstrated ability in general management of, and
14 knowledge of and extensive practical experience
15 in, information technology management prac-
16 tices in large governmental or business entities.

17 “(2) RESPONSIBILITIES.—An agency Chief In-
18 formation Officer appointed or designated under this
19 section shall report directly to the head of the agen-
20 cy and carry out, on a full-time basis, responsibilities
21 as set forth in this section and in section 3506(a)
22 of title 44 for Chief Information Officers designated
23 under paragraph (2) of such section.”.

24 (2) CONFORMING AMENDMENT.—Section
25 3506(a)(2)(A) of title 44, United States Code, is

1 amended by inserting after “each agency” the fol-
2 lowing: “, other than an agency with a Presidentially
3 appointed or designated Chief Information Officer as
4 provided in section 11315(a)(1) of title 40,”.

5 (b) AUTHORITY RELATING TO BUDGET AND PER-
6 SONNEL.—Section 11315 of title 40, United States Code,
7 is further amended by inserting after subsection (c) the
8 following new subsection:

9 “(d) ADDITIONAL AUTHORITIES FOR CERTAIN
10 CIOs.—

11 “(1) BUDGET-RELATED AUTHORITY.—

12 “(A) PLANNING.—The head of each agen-
13 cy listed in section 901(b)(1) or 901(b)(2) of
14 title 31, other than the Department of Defense,
15 shall ensure that the Chief Information Officer
16 of the agency has the authority to participate in
17 decisions regarding the budget planning process
18 related to information technology or programs
19 that include significant information technology
20 components.

21 “(B) ALLOCATION.—Amounts appro-
22 priated for any agency listed in section
23 901(b)(1) or 901(b)(2) of title 31, other than
24 the Department of Defense, for any fiscal year
25 that are available for information technology

1 shall be allocated within the agency, consistent
2 with the provisions of appropriations Acts and
3 budget guidelines and recommendations from
4 the Director of the Office of Management and
5 Budget, in such manner as may be specified by,
6 or approved by, the Chief Information Officer
7 of the agency in consultation with the Chief Fi-
8 nancial Officer of the agency and budget offi-
9 cials.

10 “(2) PERSONNEL-RELATED AUTHORITY.—The
11 head of each agency listed in section 901(b)(1) or
12 901(b)(2) of title 31, other than the Department of
13 Defense, shall ensure that the Chief Information Of-
14 ficer of the agency has the authority necessary to
15 approve the hiring of personnel who will have infor-
16 mation technology responsibilities within the agency
17 and to require that such personnel have the obliga-
18 tion to report to the Chief Information Officer in a
19 manner considered sufficient by the Chief Informa-
20 tion Officer.”.

21 (c) SINGLE CHIEF INFORMATION OFFICER IN EACH
22 AGENCY.—

23 (1) REQUIREMENT.—Section 3506(a)(3) of title
24 44, United States Code, is amended—

25 (A) by inserting “(A)” after “(3)”; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(B) Each agency shall have only one indi-
4 vidual with the title and designation of ‘Chief
5 Information Officer’. Any bureau, office, or sub-
6 ordinate organization within the agency may
7 designate one individual with the title ‘Deputy
8 Chief Information Officer’, ‘Associate Chief In-
9 formation Officer’, or ‘Assistant Chief Informa-
10 tion Officer’.”.

11 (2) EFFECTIVE DATE.—Section 3506(a)(3)(B)
12 of title 44, United States Code, as added by para-
13 graph (1), shall take effect as of October 1, 2014.
14 Any individual serving in a position affected by such
15 section before such date may continue in that posi-
16 tion if the requirements of such section are fulfilled
17 with respect to that individual.

18 **SEC. 5102. LEAD COORDINATION ROLE OF CHIEF INFORMA-**
19 **TION OFFICERS COUNCIL.**

20 (a) LEAD COORDINATION ROLE.—Subsection (d) of
21 section 3603 of title 44, United States Code, is amended
22 to read as follows:

23 “(d) LEAD INTERAGENCY FORUM.—

24 “(1) IN GENERAL.—The Council is designated
25 the lead interagency forum for improving agency co-

1 ordination of practices related to the design, develop-
2 ment, modernization, use, operation, sharing, per-
3 formance, and review of Federal Government infor-
4 mation resources investment. As the lead inter-
5 agency forum, the Council shall develop cross-agency
6 portfolio management practices to allow and encour-
7 age the development of cross-agency shared services
8 and shared platforms. The Council shall also issue
9 guidelines and practices for infrastructure and com-
10 mon information technology applications, including
11 expansion of the Federal Enterprise Architecture
12 process if appropriate. The guidelines and practices
13 may address broader transparency, common inputs,
14 common outputs, and outcomes achieved. The guide-
15 lines and practices shall be used as a basis for com-
16 paring performance across diverse missions and op-
17 erations in various agencies.

18 “(2) REPORT.—Not later than December 1 in
19 each of the 6 years following the date of the enact-
20 ment of this paragraph, the Council shall submit to
21 the relevant congressional committees a report (to be
22 known as the ‘CIO Council Report’) summarizing
23 the Council’s activities in the preceding fiscal year
24 and containing such recommendations for further

1 congressional action to fulfill its mission as the
2 Council considers appropriate.

3 “(3) RELEVANT CONGRESSIONAL COMMIT-
4 TEES.—For purposes of the report required by para-
5 graph (2), the relevant congressional committees are
6 each of the following:

7 “(A) The Committee on Oversight and
8 Government Reform and the Committee on
9 Armed Services of the House of Representa-
10 tives.

11 “(B) The Committee on Homeland Secu-
12 rity and Governmental Affairs and the Com-
13 mittee on Armed Services of the Senate.”.

14 (b) ADDITIONAL FUNCTION.—Subsection (f) of sec-
15 tion 3603 of such title is amended by adding at the end
16 the following new paragraph:

17 “(8) Assist the Administrator in developing and
18 providing guidance for effective operations of the
19 Federal Infrastructure and Common Application
20 Collaboration Center established under section
21 11501 of title 40.”.

22 (c) REFERENCES TO ADMINISTRATOR OF E-GOVERN-
23 MENT AS FEDERAL CHIEF INFORMATION OFFICER.—

24 (1) REFERENCES.—Section 3602(b) of title 44,
25 United States Code, is amended by adding at the

1 end the following: “The Administrator may also be
2 referred to as the Federal Chief Information Offi-
3 cer.”.

4 (2) DEFINITION.—Section 3601(1) of such title
5 is amended by inserting “or ‘Federal Chief Informa-
6 tion Officer’ ” before “means”.

7 **SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY**
8 **OFFICE.**

9 (a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—
10 The Comptroller General of the United States shall exam-
11 ine the effectiveness of the Chief Information Officers
12 Council in meeting its responsibilities under section
13 3603(d) of title 44, United States Code, as added by sec-
14 tion 5102, with particular focus on—

15 (1) whether agencies are actively participating
16 in the Council and heeding the Council’s advice and
17 guidance; and

18 (2) whether the Council is actively using and
19 developing the capabilities of the Federal Infrastruc-
20 ture and Common Application Collaboration Center
21 created under section 11501 of title 40, United
22 States Code, as added by section 5401.

23 (b) REPORTS.—Not later than 1 year, 3 years, and
24 5 years after the date of the enactment of this Act, the
25 Comptroller General shall submit to the relevant congress-

1 sional committees a report containing the findings and
2 recommendations of the Comptroller General from the ex-
3 amination required by subsection (a).

4 **TITLE LII—DATA CENTER** 5 **OPTIMIZATION**

6 **SEC. 5201. PURPOSE.**

7 The purpose of this title is to optimize Federal data
8 center usage and efficiency.

9 **SEC. 5202. DEFINITIONS.**

10 In this title:

11 (1) **FEDERAL DATA CENTER OPTIMIZATION INI-**
12 **TIATIVE.**—The term “Federal Data Center Optimi-
13 zation Initiative” or the “Initiative” means the ini-
14 tiative developed and implemented by the Director,
15 through the Federal Chief Information Officer, as
16 required under section 5203.

17 (2) **COVERED AGENCY.**—The term “covered
18 agency” means any agency included in the Federal
19 Data Center Optimization Initiative.

20 (3) **DATA CENTER.**—The term “data center”
21 means a closet, room, floor, or building for the stor-
22 age, management, and dissemination of data and in-
23 formation, as defined by the Federal Chief Informa-
24 tion Officer under guidance issued pursuant to this
25 section.

1 (4) FEDERAL DATA CENTER.—The term “Fed-
2 eral data center” means any data center of a cov-
3 ered agency used or operated by a covered agency,
4 by a contractor of a covered agency, or by another
5 organization on behalf of a covered agency.

6 (5) SERVER UTILIZATION.—The term “server
7 utilization” refers to the activity level of a server re-
8 lative to its maximum activity level, expressed as a
9 percentage.

10 (6) POWER USAGE EFFECTIVENESS.—The term
11 “power usage effectiveness” means the ratio ob-
12 tained by dividing the total amount of electricity and
13 other power consumed in running a data center by
14 the power consumed by the information and commu-
15 nications technology in the data center.

16 **SEC. 5203. FEDERAL DATA CENTER OPTIMIZATION INITIA-**
17 **TIVE.**

18 (a) REQUIREMENT FOR INITIATIVE.—The Federal
19 Chief Information Officer, in consultation with the chief
20 information officers of covered agencies, shall develop and
21 implement an initiative, to be known as the Federal Data
22 Center Optimization Initiative, to optimize the usage and
23 efficiency of Federal data centers by meeting the require-
24 ments of this division and taking additional measures, as
25 appropriate.

1 (b) REQUIREMENT FOR PLAN.—Within 6 months
2 after the date of the enactment of this Act, the Federal
3 Chief Information Officer, in consultation with the chief
4 information officers of covered agencies, shall develop and
5 submit to Congress a plan for implementation of the Ini-
6 tiative required by subsection (a) by each covered agency.
7 In developing the plan, the Federal Chief Information Of-
8 ficer shall take into account the findings and recommenda-
9 tions of the Comptroller General review required by sec-
10 tion 5205(e).

11 (c) MATTERS COVERED.—The plan shall include—

12 (1) descriptions of how covered agencies will
13 use reductions in floor space, energy use, infrastruc-
14 ture, equipment, applications, personnel, increases in
15 multiorganizational use, server virtualization, cloud
16 computing, and other appropriate methods to meet
17 the requirements of the initiative; and

18 (2) appropriate consideration of shifting Feder-
19 ally owned data centers to commercially owned data
20 centers.

21 **SEC. 5204. PERFORMANCE REQUIREMENTS RELATED TO**
22 **DATA CENTER CONSOLIDATION.**

23 (a) SERVER UTILIZATION.—Each covered agency
24 may use the following methods to achieve the maximum

1 server utilization possible as determined by the Federal
2 Chief Information Officer.

3 (1) The closing of existing data centers that
4 lack adequate server utilization, as determined by
5 the Federal Chief Information Officer. If the agency
6 fails to close such data centers, the agency shall pro-
7 vide a detailed explanation as to why this data cen-
8 ter should remain in use as part of the submitted
9 plan. The Federal Chief Information Officer shall in-
10 clude an assessment of the agency explanation in the
11 annual report to Congress.

12 (2) The consolidation of services within existing
13 data centers to increase server utilization rates.

14 (3) Any other method that the Federal Chief
15 Information Officer, in consultation with the chief
16 information officers of covered agencies, determines
17 necessary to optimize server utilization.

18 (b) **POWER USAGE EFFECTIVENESS.**—Each covered
19 agency may use the following methods to achieve the max-
20 imum energy efficiency possible as determined by the Fed-
21 eral Chief Information Officer:

22 (1) The use of the measurement of power usage
23 effectiveness to calculate data center energy effi-
24 ciency.

1 (2) The use of power meters in data centers to
2 frequently measure power consumption over time.

3 (3) The establishment of power usage effective-
4 ness goals for each data center.

5 (4) The adoption of best practices for man-
6 aging—

7 (A) temperature and airflow in data cen-
8 ters; and

9 (B) power supply efficiency.

10 (5) The implementation of any other method
11 that the Federal Chief Information Officer, in con-
12 sultation with the Chief Information Officers of cov-
13 ered agencies, determines necessary to optimize data
14 center energy efficiency.

15 **SEC. 5205. COST SAVINGS RELATED TO DATA CENTER OPTI-
16 MIZATION.**

17 (a) **REQUIREMENT TO TRACK COSTS.—**

18 (1) **IN GENERAL.—**Each covered agency shall
19 track costs resulting from implementation of the
20 Federal Data Center Optimization Initiative within
21 the agency and submit a report on those costs annu-
22 ally to the Federal Chief Information Officer. Cov-
23 ered agencies shall determine the net costs from
24 data consolidation on an annual basis.

1 (2) FACTORS.—In calculating net costs each
2 year under paragraph (1), a covered agency shall
3 use the following factors:

4 (A) Energy costs.

5 (B) Personnel costs.

6 (C) Real estate costs.

7 (D) Capital expense costs.

8 (E) Maintenance and support costs such as
9 operating subsystem, database, hardware, and
10 software license expense costs.

11 (F) Other appropriate costs, as determined
12 by the agency in consultation with the Federal
13 Chief Information Officer.

14 (b) REQUIREMENT TO TRACK SAVINGS.—

15 (1) IN GENERAL.—Each covered agency shall
16 track savings resulting from implementation of the
17 Federal Data Center Optimization Initiative within
18 the agency and submit a report on those savings an-
19 nually to the Federal Chief Information Officer.
20 Covered agencies shall determine the net savings
21 from data consolidation on an annual basis.

22 (2) FACTORS.—In calculating net savings each
23 year under paragraph (1), a covered agency shall
24 use the following factors:

25 (A) Energy savings.

1 (B) Personnel savings.

2 (C) Real estate savings.

3 (D) Capital expense savings.

4 (E) Maintenance and support savings such
5 as operating subsystem, database, hardware,
6 and software license expense savings.

7 (F) Other appropriate savings, as deter-
8 mined by the agency in consultation with the
9 Federal Chief Information Officer.

10 (c) REQUIREMENT TO USE COST-EFFECTIVE MEAS-
11 URES.—Covered agencies shall use the most cost-effective
12 measures to implement the Federal Data Center Optimi-
13 zation Initiative.

14 (d) USE OF SAVINGS.—Subject to appropriations,
15 any savings resulting from implementation of the Federal
16 Data Center Optimization Initiative within a covered
17 agency shall be used for the following purposes:

18 (1) To offset the costs of implementing the Ini-
19 tiative within the agency.

20 (2) To further enhance information technology
21 capabilities and services within the agency.

22 (e) GOVERNMENT ACCOUNTABILITY OFFICE RE-
23 VIEW.—Not later than 3 months after the date of the en-
24 actment of this Act, the Comptroller General of the United
25 States shall examine methods for calculating savings from

1 the Initiative and using them for the purposes identified
2 in subsection (d), including establishment and use of a
3 special revolving fund that supports data centers and serv-
4 er optimization, and shall submit to the Federal Chief In-
5 formation Officer and Congress a report on the Comp-
6 troller General's findings and recommendations.

7 **SEC. 5206. REPORTING REQUIREMENTS TO CONGRESS AND**
8 **THE FEDERAL CHIEF INFORMATION OFFI-**
9 **CER.**

10 (a) AGENCY REQUIREMENT TO REPORT TO CIO.—
11 Each year, each covered agency shall submit to the Fed-
12 eral Chief Information Officer a report on the implementa-
13 tion of the Federal Data Center Optimization Initiative,
14 including savings resulting from such implementation. The
15 report shall include an update of the agency's plan for im-
16 plementing the Initiative.

17 (b) FEDERAL CHIEF INFORMATION OFFICER RE-
18 QUIREMENT TO REPORT TO CONGRESS.—Each year, the
19 Federal Chief Information Officer shall submit to the rel-
20 evant congressional committees a report that assesses
21 agency progress in carrying out the Federal Data Center
22 Optimization Initiative and updates the plan under section
23 5203. The report may be included as part of the annual
24 report required under section 3606 of title 44, United
25 States Code.

1 **TITLE LIII—ELIMINATION OF**
2 **DUPLICATION AND WASTE IN**
3 **INFORMATION TECHNOLOGY**
4 **ACQUISITION**

5 **SEC. 5301. INVENTORY OF INFORMATION TECHNOLOGY AS-**
6 **SETS.**

7 (a) **PLAN.**—The Director shall develop a plan for con-
8 ducting a Governmentwide inventory of information tech-
9 nology assets.

10 (b) **MATTERS COVERED.**—The plan required by sub-
11 section (a) shall cover the following:

12 (1) The manner in which Federal agencies can
13 achieve the greatest possible economies of scale and
14 cost savings in the procurement of information tech-
15 nology assets, through measures such as reducing
16 hardware or software products or services that are
17 duplicative or overlapping and reducing the procure-
18 ment of new software licenses until such time as
19 agency needs exceed the number of existing and un-
20 used licenses.

21 (2) The capability to conduct ongoing Govern-
22 mentwide inventories of all existing software licenses
23 on an application-by-application basis, including du-
24 plicative, unused, overused, and underused licenses,

1 and to assess the need of agencies for software li-
2 censes.

3 (3) A Governmentwide spending analysis to
4 provide knowledge about how much is being spent
5 for software products or services to support deci-
6 sions for strategic sourcing under the Federal stra-
7 tegic sourcing program managed by the Office of
8 Federal Procurement Policy.

9 (c) OTHER INVENTORIES.—In developing the plan re-
10 quired by subsection (a), the Director shall review the in-
11 ventory of information systems maintained by each agency
12 under section 3505(c) of title 44, United States Code, and
13 the inventory of information resources maintained by each
14 agency under section 3506(b)(4) of such title.

15 (d) AVAILABILITY.—The inventory of information
16 technology assets shall be available to Chief Information
17 Officers and such other Federal officials as the Chief In-
18 formation Officers may, in consultation with the Chief In-
19 formation Officers Council, designate.

20 (e) DEADLINE AND SUBMISSION TO CONGRESS.—
21 Not later than 180 days after the date of the enactment
22 of this Act, the Director shall complete and submit to Con-
23 gress the plan required by subsection (a).

24 (f) IMPLEMENTATION.—Not later than two years
25 after the date of the enactment of this Act, the Director

1 shall complete implementation of the plan required by sub-
2 section (a).

3 (g) REVIEW BY COMPTROLLER GENERAL.—Not later
4 than two years after the date of the enactment of this Act,
5 the Comptroller General of the United States shall review
6 the plan required by subsection (a) and submit to the rel-
7 evant congressional committees a report on the review.

8 **SEC. 5302. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

9 (a) WEBSITE CONSOLIDATION.—The Director
10 shall—

11 (1) in consultation with Federal agencies, and
12 after reviewing the directory of public Federal Gov-
13 ernment websites of each agency (as required to be
14 established and updated under section 207(f)(3) of
15 the E-Government Act of 2002 (Public Law 107–
16 347; 44 U.S.C. 3501 note)), assess all the publicly
17 available websites of Federal agencies to determine
18 whether there are duplicative or overlapping
19 websites; and

20 (2) require Federal agencies to eliminate or
21 consolidate those websites that are duplicative or
22 overlapping.

23 (b) WEBSITE TRANSPARENCY.—The Director shall
24 issue guidance to Federal agencies to ensure that the data

1 on publicly available websites of the agencies are open and
2 accessible to the public.

3 (c) MATTERS COVERED.—In preparing the guidance
4 required by subsection (b), the Director shall—

5 (1) develop guidelines, standards, and best
6 practices for interoperability and transparency;

7 (2) identify interfaces that provide for shared,
8 open solutions on the publicly available websites of
9 the agencies; and

10 (3) ensure that Federal agency Internet home
11 pages, web-based forms, and web-based applications
12 are accessible to individuals with disabilities in con-
13 formance with section 508 of the Rehabilitation Act
14 of 1973 (29 U.S.C. 794d).

15 (d) DEADLINE FOR GUIDANCE.—The guidance re-
16 quired by subsection (b) shall be issued not later than 180
17 days after the date of the enactment of this Act.

18 **SEC. 5303. TRANSITION TO THE CLOUD.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that transition to cloud computing offers significant
21 potential benefits for the implementation of Federal infor-
22 mation technology projects in terms of flexibility, cost, and
23 operational benefits.

24 (b) GOVERNMENTWIDE APPLICATION.—In assessing
25 cloud computing opportunities, the Chief Information Of-

1 ficers Council shall define policies and guidelines for the
2 adoption of Governmentwide programs providing for a
3 standardized approach to security assessment and oper-
4 ational authorization for cloud products and services.

5 (c) **ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-**
6 **TION.**—In transitioning to the cloud, a Chief Information
7 Officer of an agency listed in section 901(b) of title 31,
8 United States Code, may establish such cloud service
9 Working Capital Funds, in consultation with the Chief Fi-
10 nancial Officer of the agency, as may be necessary to tran-
11 sition to cloud-based solutions. Notwithstanding any other
12 provision of law, such cloud service Working Capital
13 Funds may preserve funding for cloud service transitions
14 for a period not to exceed 5 years per appropriation. Any
15 establishment of a new Working Capital Fund under this
16 subsection shall be reported to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 and relevant Congressional committees.

19 **SEC. 5304. ELIMINATION OF UNNECESSARY DUPLICATION**
20 **OF CONTRACTS BY REQUIRING BUSINESS**
21 **CASE ANALYSIS.**

22 (a) **PURPOSE.**—The purpose of this section is to le-
23 verage the Government’s buying power and achieve admin-
24 istrative efficiencies and cost savings by eliminating un-
25 necessary duplication of contracts.

1 (b) REQUIREMENT FOR BUSINESS CASE AP-
2 PROVAL.—

3 (1) IN GENERAL.—Effective on and after 180
4 days after the date of the enactment of this Act, an
5 executive agency may not issue a solicitation for a
6 covered contract vehicle unless the agency performs
7 a business case analysis for the contract vehicle and
8 obtains an approval of the business case analysis
9 from the Administrator for Federal Procurement
10 Policy.

11 (2) REVIEW OF BUSINESS CASE ANALYSIS.—

12 (A) IN GENERAL.—With respect to any
13 covered contract vehicle, the Administrator for
14 Federal Procurement Policy shall review the
15 business case analysis submitted for the con-
16 tract vehicle and provide an approval or dis-
17 approval within 60 days after the date of sub-
18 mission. Any business case analysis not dis-
19 approved within such 60-day period is deemed
20 to be approved.

21 (B) BASIS FOR APPROVAL OF BUSINESS
22 CASE.—The Administrator for Federal Procure-
23 ment Policy shall approve or disapprove a busi-
24 ness case analysis based on the adequacy of the
25 analysis submitted. The Administrator shall

1 give primary consideration to whether an agen-
2 cy has demonstrated a compelling need that
3 cannot be satisfied by existing Governmentwide
4 contract vehicles in a timely and cost-effective
5 manner.

6 (3) CONTENT OF BUSINESS CASE ANALYSIS.—

7 The Administrator for Federal Procurement Policy
8 shall issue guidance specifying the content for a
9 business case analysis submitted pursuant to this
10 section. At a minimum, the business case analysis
11 shall include details on the administrative resources
12 needed for such contract vehicle, including an anal-
13 ysis of all direct and indirect costs to the Federal
14 Government of awarding and administering such
15 contract vehicle and the impact such contract vehicle
16 will have on the ability of the Federal Government
17 to leverage its purchasing power.

18 (c) DEFINITIONS.—

19 (1) COVERED CONTRACT VEHICLE.—The term
20 “covered contract vehicle” has the meaning provided
21 by the Administrator for Federal Procurement Pol-
22 icy in guidance issued pursuant to this section and
23 includes, at a minimum, any Governmentwide con-
24 tract vehicle , whether for acquisition of information
25 technology or other goods or services, in an amount

1 greater than \$50,000,000 (or \$10,000,000, deter-
2 mined on an average annual basis, in the case of
3 such a contract vehicle performed over more than
4 one year). The term does not include a multiple
5 award schedule contract awarded by the General
6 Services Administration, a Governmentwide acquisi-
7 tion contract for information technology awarded
8 pursuant to sections 11302(e) and 11314(a)(2) of
9 title 40, United States Code, or orders against exist-
10 ing Governmentwide contract vehicles.

11 (2) GOVERNMENTWIDE CONTRACT VEHICLE
12 AND EXECUTIVE AGENCY.—The terms “Govern-
13 mentwide contract vehicle” and “executive agency”
14 have the meanings provided in section 11501 of title
15 40, United States Code, as added by section 5401.

16 (d) REPORT.—Not later than June 1 in each of the
17 next 6 years following the date of the enactment of this
18 Act, the Administrator for Federal Procurement Policy
19 shall submit to the relevant congressional committees a
20 report on the implementation of this section, including a
21 summary of the submissions, reviews, approvals, and dis-
22 approvals of business case analyses pursuant to this sec-
23 tion.

1 (e) GUIDANCE.—The Administrator for Federal Pro-
2 curement Policy shall issue guidance for implementing this
3 section.

4 (f) REVISION OF FAR.—Not later than 180 days after
5 the date of the enactment of this Act, the Federal Acquisi-
6 tion Regulation shall be amended to implement this sec-
7 tion.

8 **TITLE LIV—STRENGTHENING**
9 **AND STREAMLINING INFOR-**
10 **MATION TECHNOLOGY AC-**
11 **QUISITION MANAGEMENT**
12 **PRACTICES**

13 **Subtitle A—Strengthening and**
14 **Streamlining IT Program Man-**
15 **agement Practices**

16 **SEC. 5401. ESTABLISHMENT OF FEDERAL INFRASTRUC-**
17 **TURE AND COMMON APPLICATION COLLABO-**
18 **RATION CENTER.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Chapter 115 of title 40,
21 United States Code, is amended to read as follows:

22 **“CHAPTER 115—INFORMATION TECH-**
23 **NOLOGY ACQUISITION MANAGEMENT**
24 **PRACTICES**

“Sec.

“11501. Federal infrastructure and common application collaboration center.

1 **“§ 11501. Federal infrastructure and common applica-**
2 **tion collaboration center**

3 “(a) ESTABLISHMENT AND PURPOSES.—The Direc-
4 tor of the Office of Management and Budget shall estab-
5 lish a Federal Infrastructure and Common Application
6 Collaboration Center (hereafter in this section referred to
7 as the ‘Collaboration Center’) within the Office of Elec-
8 tronic Government established under section 3602 of title
9 44 in accordance with this section. The purposes of the
10 Collaboration Center are to serve as a focal point for co-
11 ordinated program management practices and to develop
12 and maintain requirements for the acquisition of IT infra-
13 structure and common applications commonly used by var-
14 ious Federal agencies.

15 “(b) ORGANIZATION OF CENTER.—

16 “(1) MEMBERSHIP.—The Center shall consist
17 of the following members:

18 “(A) An appropriate number, as deter-
19 mined by the CIO Council, but not less than
20 12, full-time program managers or cost special-
21 ists, all of whom have appropriate experience in
22 the private or Government sector in managing
23 or overseeing acquisitions of IT infrastructure
24 and common applications.

25 “(B) At least 1 full-time detailee from
26 each of the Federal agencies listed in section

1 901(b) of title 31, nominated by the respective
2 agency chief information officer for a detail pe-
3 riod of not less than 2 years.

4 “(2) WORKING GROUPS.—The Collaboration
5 Center shall have working groups that specialize in
6 IT infrastructure and common applications identi-
7 fied by the CIO Council. Each working group shall
8 be headed by a separate dedicated program manager
9 appointed by the Federal Chief Information Officer.

10 “(c) CAPABILITIES AND FUNCTIONS OF THE COL-
11 LABORATION CENTER.—For each of the IT infrastructure
12 and common application areas identified by the CIO Coun-
13 cil, the Collaboration Center shall perform the following
14 roles, and any other functions as directed by the Federal
15 Chief Information Officer:

16 “(1) Develop, maintain, and disseminate re-
17 quirements suitable to establish contracts that will
18 meet the common and general needs of various Fed-
19 eral agencies as determined by the Center. In doing
20 so, the Center shall give maximum consideration to
21 the adoption of commercial standards and industry
22 acquisition best practices, including opportunities for
23 shared services, consideration of total cost of owner-
24 ship, preference for industry-neutral functional spec-
25 ifications leveraging open industry standards and

1 competition, and use of long-term contracts, as ap-
2 propriate.

3 “(2) Develop, maintain, and disseminate reli-
4 able cost estimates that are accurate, comprehensive,
5 well-documented, and credible.

6 “(3) Lead the review of significant or troubled
7 IT investments or acquisitions as identified by the
8 CIO Council.

9 “(4) Provide expert aid to troubled IT invest-
10 ments or acquisitions.

11 “(d) GUIDANCE.—The Director, in consultation with
12 the Chief Information Officers Council, shall issue guid-
13 ance addressing the scope and operation of the Collabora-
14 tion Center. The guidance shall require that the Collabora-
15 tion Center report to the Federal Chief Information Offi-
16 cer.

17 “(e) REPORT TO CONGRESS.—

18 “(1) IN GENERAL.—The Director shall annually
19 submit to the relevant congressional committees a
20 report detailing the organization, staff, and activities
21 of the Collaboration Center, including—

22 “(A) a list of IT infrastructure and com-
23 mon applications the Center assisted;

24 “(B) an assessment of the Center’s
25 achievement in promoting efficiency, shared

1 services, and elimination of unnecessary Gov-
2 ernment requirements that are contrary to com-
3 mercial best practices; and

4 “(C) the use and expenditure of amounts
5 in the Fund established under subsection (i).

6 “(2) INCLUSION IN OTHER REPORT.—The re-
7 port may be included as part of the annual E-Gov-
8 ernment status report required under section 3606
9 of title 44.

10 “(f) IMPROVEMENT OF THE GOVERNMENTWIDE
11 SOFTWARE PURCHASING PROGRAM.—

12 “(1) IN GENERAL.—The Collaboration Center,
13 in collaboration with the Office of Federal Procure-
14 ment Policy, the Department of Defense, and the
15 General Services Administration, shall identify and
16 develop a strategic sourcing initiative to enhance
17 Governmentwide acquisition, shared use, and dis-
18 semination of software, as well as compliance with
19 end user license agreements.

20 “(2) EXAMINATION OF METHODS.—In devel-
21 oping the initiative under paragraph (1), the Col-
22 laboration Center shall examine the use of realistic
23 and effective demand aggregation models supported
24 by actual agency commitment to use the models, and
25 supplier relationship management practices, to more

1 effectively govern the Government's acquisition of in-
2 formation technology.

3 “(3) GOVERNMENTWIDE USER LICENSE AGREE-
4 MENT.—The Collaboration Center, in developing the
5 initiative under paragraph (1), shall allow for the
6 purchase of a license agreement that is available for
7 use by all executive agencies as one user to the max-
8 imum extent practicable and as appropriate.

9 “(g) GUIDELINES FOR ACQUISITION OF IT INFRA-
10 STRUCTURE AND COMMON APPLICATIONS.—

11 “(1) GUIDELINES.—The Collaboration Center
12 shall establish guidelines that, to the maximum ex-
13 tent possible, eliminate inconsistent practices among
14 executive agencies and ensure uniformity and con-
15 sistency in acquisition processes for IT infrastruc-
16 ture and common applications across the Federal
17 Government.

18 “(2) CENTRAL WEBSITE.—In preparing the
19 guidelines, the Collaboration Center, in consultation
20 with the Chief Acquisition Officers Council, shall
21 offer executive agencies the option of accessing a
22 central website for best practices, templates, and
23 other relevant information.

24 “(h) PRICING TRANSPARENCY.—The Collaboration
25 Center, in collaboration with the Office of Federal Pro-

1 curement Policy, the Chief Acquisition Officers Council,
2 the General Services Administration, and the Assisted Ac-
3 quisition Centers of Excellence, shall compile a price list
4 and catalogue containing current pricing information by
5 vendor for each of its IT infrastructure and common appli-
6 cations categories. The price catalogue shall contain any
7 price provided by a vendor for the same or similar good
8 or service to any executive agency. The catalogue shall be
9 developed in a fashion ensuring that it may be used for
10 pricing comparisons and pricing analysis using standard
11 data formats. The price catalogue shall not be made pub-
12 lic, but shall be accessible to executive agencies.

13 “(i) FEDERAL IT ACQUISITION MANAGEMENT IM-
14 PROVEMENT FUND.—

15 “(1) ESTABLISHMENT AND MANAGEMENT OF
16 FUND.—There is a Federal IT Acquisition Manage-
17 ment Improvement Fund (in this subsection referred
18 to as the ‘Fund’). The Administrator of General
19 Services shall manage the Fund through the Col-
20 laboration Center to support the activities of the
21 Collaboration Center carried out pursuant to this
22 section. The Administrator of General Services shall
23 consult with the Director in managing the Fund.

1 “(2) CREDITS TO FUND.—Five percent of the
2 fees collected by executive agencies under the fol-
3 lowing contracts shall be credited to the Fund:

4 “(A) Governmentwide task and delivery
5 order contracts entered into under sections
6 4103 and 4105 of title 41.

7 “(B) Governmentwide contracts for the ac-
8 quisition of information technology and multi-
9 agency acquisition contracts for that technology
10 authorized by section 11314 of this title.

11 “(C) Multiple-award schedule contracts en-
12 tered into by the Administrator of General
13 Services.

14 “(3) REMITTANCE BY HEAD OF EXECUTIVE
15 AGENCY.—The head of an executive agency that ad-
16 ministers a contract described in paragraph (2) shall
17 remit to the General Services Administration the
18 amount required to be credited to the Fund with re-
19 spect to the contract at the end of each quarter of
20 the fiscal year.

21 “(4) AMOUNTS NOT TO BE USED FOR OTHER
22 PURPOSES.—The Administrator of General Services,
23 through the Office of Management and Budget, shall
24 ensure that amounts collected under this subsection
25 are not used for a purpose other than the activities

1 of the Collaboration Center carried out pursuant to
2 this section.

3 “(5) AVAILABILITY OF AMOUNTS.—Amounts
4 credited to the Fund remain available to be ex-
5 pended only in the fiscal year for which they are
6 credited and the 4 succeeding fiscal years.

7 “(j) DEFINITIONS.—In this section:

8 “(1) EXECUTIVE AGENCY.—The term ‘executive
9 agency’ has the meaning provided that term by sec-
10 tion 105 of title 5.

11 “(2) FEDERAL CHIEF INFORMATION OFFI-
12 CER.—The term ‘Federal Chief Information Officer’
13 means the Administrator of the Office of Electronic
14 Government established under section 3602 of title
15 44.

16 “(3) GOVERNMENTWIDE CONTRACT VEHICLE.—
17 The term ‘Governmentwide contract vehicle’ means
18 any contract, blanket purchase agreement, or other
19 contractual instrument that allows for an indefinite
20 number of orders to be placed within the contract,
21 agreement, or instrument, and that is established by
22 one executive agency for use by multiple executive
23 agencies to obtain supplies and services.

1 “(4) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term ‘relevant congressional commit-
3 tees’ means each of the following:

4 “(A) The Committee on Oversight and
5 Government Reform and the Committee on
6 Armed Services of the House of Representa-
7 tives.

8 “(B) The Committee on Homeland Secu-
9 rity and Governmental Affairs and the Com-
10 mittee on Armed Services of the Senate.

11 “(k) REVISION OF FAR.—The Federal Acquisition
12 Regulation shall be amended to implement this section.”.

13 (2) CLERICAL AMENDMENT.—The item relating
14 to chapter 115 in the table of chapters at the begin-
15 ning of subtitle III of title 40, United States Code,
16 is amended to read as follows:

**“115. Information Technology Acquisition Management
 Practices11501”.**

17 (b) DEADLINES.—

18 (1) Not later than 180 days after the date of
19 the enactment of this Act, the Director shall issue
20 guidance under section 11501(d) of title 40, United
21 States Code, as added by subsection (a).

22 (2) Not later than 1 year after the date of the
23 enactment of this Act, the Director shall establish
24 the Federal Infrastructure and Common Application

1 Collaboration Center, in accordance with section
2 11501(a) of such title, as so added.

3 (3) Not later than 2 years after the date of the
4 enactment of this Act, the Federal Infrastructure
5 and Common Application Collaboration Center
6 shall—

7 (A) identify and develop a strategic
8 sourcing initiative in accordance with section
9 11501(f) of such title, as so added; and

10 (B) establish guidelines in accordance with
11 section 11501(g) of such title, as so added.

12 (c) CONFORMING AMENDMENT.—Section 3602(c) of
13 title 44, United States Code, is amended—

14 (1) by striking “and” at the end of paragraph
15 (2);

16 (2) by redesignating paragraph (3) as para-
17 graph (4); and

18 (3) by inserting after paragraph (2) the fol-
19 lowing new paragraph (3):

20 “(3) all of the functions of the Federal Infra-
21 structure and Common Application Collaboration
22 Center, as required under section 11501 of title 40;
23 and”.

1 **SEC. 5402. DESIGNATION OF ASSISTED ACQUISITION CEN-**
2 **TERS OF EXCELLENCE.**

3 (a) DESIGNATION.—Chapter 115 of title 40, United
4 States Code, as amended by section 5401, is further
5 amended by adding at the end the following new section:

6 **“§ 11502. Assisted Acquisition Centers of Excellence**

7 “(a) PURPOSE.—The purpose of this section is to de-
8 velop specialized assisted acquisition centers of excellence
9 within the Federal Government to promote—

10 “(1) the effective use of best acquisition prac-
11 tices;

12 “(2) the development of specialized expertise in
13 the acquisition of information technology; and

14 “(3) Governmentwide sharing of acquisition ca-
15 pability to augment any shortage in the information
16 technology acquisition workforce.

17 “(b) DESIGNATION OF AACES.—Not later than 1
18 year after the date of the enactment of this section, and
19 every 3 years thereafter, the Director of the Office of Man-
20 agement and Budget, in consultation with the Chief Ac-
21 quisition Officers Council and the Chief Information Offi-
22 cers Council, shall designate, redesignate, or withdraw the
23 designation of acquisition centers of excellence within var-
24 ious executive agencies to carry out the functions set forth
25 in subsection (c) in an area of specialized acquisition ex-
26 pertise as determined by the Director. Each such center

1 of excellence shall be known as an ‘Assisted Acquisition
2 Center of Excellence’ or an ‘AACE’.

3 “(c) FUNCTIONS.—The functions of each AACE are
4 as follows:

5 “(1) BEST PRACTICES.—To promote, develop,
6 and implement the use of best acquisition practices
7 in the area of specialized acquisition expertise that
8 the AACE is designated to carry out by the Director
9 under subsection (b).

10 “(2) ASSISTED ACQUISITIONS.—To assist all
11 Government agencies in the expedient and low-cost
12 acquisition of the information technology goods or
13 services covered by such area of specialized acquisi-
14 tion expertise by engaging in repeated and frequent
15 acquisition of similar information technology require-
16 ments.

17 “(3) DEVELOPMENT AND TRAINING OF IT AC-
18 QUISSION WORKFORCE.—To assist in recruiting and
19 training IT acquisition cadres (referred to in section
20 1704(j) of title 41).

21 “(d) CRITERIA.—In designating, redesignating, or
22 withdrawing the designation of an AACE, the Director
23 shall consider, at a minimum, the following matters:

1 “(1) The subject matter expertise of the host
2 agency in a specific area of information technology
3 acquisition.

4 “(2) For acquisitions of IT infrastructure and
5 common applications covered by the Federal Infra-
6 structure and Common Application Collaboration
7 Center established under section 11501 of this title,
8 the ability and willingness to collaborate with the
9 Collaboration Center and adhere to the requirements
10 standards established by the Collaboration Center.

11 “(3) The ability of an AACE to develop cus-
12 tomized requirements documents that meet the
13 needs of executive agencies as well as the current in-
14 dustry standards and commercial best practices.

15 “(4) The ability of an AACE to consistently
16 award and manage various contracts, task or deliv-
17 ery orders, and other acquisition arrangements in a
18 timely, cost-effective, and compliant manner.

19 “(5) The ability of an AACE to aggregate de-
20 mands from multiple executive agencies for similar
21 information technology goods or services and fulfill
22 those demands in one acquisition.

23 “(6) The ability of an AACE to acquire innova-
24 tive or emerging commercial and noncommercial
25 technologies using various contracting methods, in-

1 including ways to lower the entry barriers for small
2 businesses with limited Government contracting ex-
3 periences.

4 “(7) The ability of an AACE to maximize com-
5 mercial item acquisition, effectively manage high-risk
6 contract types, increase competition, promote small
7 business participation, and maximize use of available
8 Governmentwide contract vehicles.

9 “(8) The existence of an in-house cost esti-
10 mating group with expertise to consistently develop
11 reliable cost estimates that are accurate, comprehen-
12 sive, well-documented, and credible.

13 “(9) The ability of an AACE to employ best
14 practices and educate requesting agencies, to the
15 maximum extent practicable, regarding critical fac-
16 tors underlying successful major IT acquisitions, in-
17 cluding the following factors:

18 “(A) Active engagement by program offi-
19 cials with stakeholders.

20 “(B) Possession by program staff of the
21 necessary knowledge and skills.

22 “(C) Support of the programs by senior
23 department and agency executives.

24 “(D) Involvement by end users and stake-
25 holders in the development of requirements.

1 “(E) Participation by end users in testing
2 of system functionality prior to formal end user
3 acceptance testing.

4 “(F) Stability and consistency of Govern-
5 ment and contractor staff.

6 “(G) Prioritization of requirements by pro-
7 gram staff.

8 “(H) Maintenance of regular communica-
9 tion with the prime contractor by program offi-
10 cials.

11 “(I) Receipt of sufficient funding by pro-
12 grams.

13 “(10) The ability of an AACE to run an effec-
14 tive acquisition intern program in collaboration with
15 the Federal Acquisition Institute or the Defense Ac-
16 quisition University.

17 “(11) The ability of an AACE to effectively and
18 properly manage fees received for assisted acquisi-
19 tions pursuant to this section.

20 “(e) FUNDS RECEIVED BY AACES.—

21 “(1) AVAILABILITY.—Notwithstanding any
22 other provision of law or regulation, funds obligated
23 and transferred from an executive agency in a fiscal
24 year to an AACE for the acquisition of goods or
25 services covered by an area of specialized acquisition

1 expertise of an AACE, regardless of whether the re-
2 quirements are severable or non-severable, shall re-
3 main available for awards of contracts by the AACE
4 for the same general requirements for the next 5 fis-
5 cal years following the fiscal year in which the funds
6 were transferred.

7 “(2) TRANSITION TO NEW AACE.—If the AACE
8 to which the funds are provided under paragraph (1)
9 becomes unable to fulfill the requirements of the ex-
10 ecutive agency from which the funds were provided,
11 the funds may be provided to a different AACE to
12 fulfill such requirements. The funds so provided
13 shall be used for the same purpose and remain avail-
14 able for the same period of time as applied when
15 provided to the original AACE.

16 “(3) RELATIONSHIP TO EXISTING AUTHORI-
17 TIES.—This subsection does not limit any existing
18 authorities an AACE may have under its revolving
19 or working capital funds authorities.

20 “(f) GOVERNMENT ACCOUNTABILITY OFFICE RE-
21 VIEW OF AACE.—

22 “(1) REVIEW.—The Comptroller General of the
23 United States shall review and assess—

24 “(A) the use and management of fees re-
25 ceived by the AACEs pursuant to this section

1 to ensure that an appropriate fee structure is
2 established and enforced to cover activities ad-
3 dressed in this section and that no excess fees
4 are charged or retained; and

5 “(B) the effectiveness of the AACEs in
6 achieving the purpose described in subsection
7 (a), including review of contracts.

8 “(2) REPORTS.—Not later than 1 year after the
9 designation or redesignation of AACES under sub-
10 section (b), the Comptroller General shall submit to
11 the relevant congressional committees a report con-
12 taining the findings and assessment under para-
13 graph (1).

14 “(g) DEFINITIONS.—In this section:

15 “(1) ASSISTED ACQUISITION.—The term ‘as-
16 sisted acquisition’ means a type of interagency ac-
17 quisition in which the parties enter into an inter-
18 agency agreement pursuant to which—

19 “(A) the servicing agency performs acquisi-
20 tion activities on the requesting agency’s behalf,
21 such as awarding, administering, or closing out
22 a contract, task order, delivery order, or blanket
23 purchase agreement; and

24 “(B) funding is provided through a fran-
25 chise fund, the Acquisition Services Fund in

1 section 321 of this title, sections 1535 and
2 1536 of title 31, or other available methods.

3 “(2) EXECUTIVE AGENCY.—The term ‘executive
4 agency’ has the meaning provided that term by sec-
5 tion 133 of title 41.

6 “(3) RELEVANT CONGRESSIONAL COMMIT-
7 TEES.—The term ‘relevant congressional commit-
8 tees’ has the meaning provided that term by section
9 11501 of this title.

10 “(h) REVISION OF FAR.—The Federal Acquisition
11 Regulation shall be amended to implement this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 115 of title 40, United States
14 Code, as amended by section 5401, is further amended
15 by adding at the end the following new item:

“11502. Assisted Acquisition Centers of Excellence.”.

16 **Subtitle B—Strengthening IT**
17 **Acquisition Workforce**

18 **SEC. 5411. EXPANSION OF TRAINING AND USE OF INFORMA-**
19 **TION TECHNOLOGY ACQUISITION CADRES.**

20 (a) PURPOSE.—The purpose of this section is to en-
21 sure timely progress by Federal agencies toward devel-
22 oping, strengthening, and deploying personnel with highly
23 specialized skills in information technology acquisition, in-
24 cluding program and project managers, to be known as
25 information technology acquisition cadres.

1 (b) REPORT TO CONGRESS.—Section 1704 of title
2 41, United States Code, is amended by adding at the end
3 the following new subsection:

4 “(j) STRATEGIC PLAN ON INFORMATION TECH-
5 NOLOGY ACQUISITION CADRES.—

6 “(1) FIVE-YEAR STRATEGIC PLAN TO CON-
7 GRESS.—Not later than June 1 following the date of
8 the enactment of this subsection, the Director shall
9 submit to the relevant congressional committees a 5-
10 year strategic plan (to be known as the ‘IT Acquisi-
11 tion Cadres Strategic Plan’) to develop, strengthen,
12 and solidify information technology acquisition cad-
13 res. The plan shall include a timeline for implemen-
14 tation of the plan and identification of individuals
15 responsible for specific elements of the plan during
16 the 5-year period covered by the plan.

17 “(2) MATTERS COVERED.—The plan shall ad-
18 dress, at a minimum, the following matters:

19 “(A) Current information technology ac-
20 quisition staffing challenges in Federal agen-
21 cies, by previous year’s information technology
22 acquisition value, and by the Federal Govern-
23 ment as a whole.

24 “(B) The variety and complexity of infor-
25 mation technology acquisitions conducted by

1 each Federal agency covered by the plan, and
2 the specialized information technology acquisi-
3 tion workforce needed to effectively carry out
4 such acquisitions.

5 “(C) The development of a sustainable
6 funding model to support efforts to hire, retain,
7 and train an information technology acquisition
8 cadre of appropriate size and skill to effectively
9 carry out the acquisition programs of the Fed-
10 eral agencies covered by the plan, including an
11 examination of interagency funding methods
12 and a discussion of how the model of the De-
13 fense Acquisition Workforce Development Fund
14 could be applied to civilian agencies.

15 “(D) Any strategic human capital planning
16 necessary to hire, retain, and train an informa-
17 tion acquisition cadre of appropriate size and
18 skill at each Federal agency covered by the
19 plan.

20 “(E) Governmentwide training standards
21 and certification requirements necessary to en-
22 hance the mobility and career opportunities of
23 the Federal information technology acquisition
24 cadre within the Federal agencies covered by
25 the plan.

1 “(F) New and innovative approaches to
2 workforce development and training, including
3 cross-functional training, rotational develop-
4 ment, and assignments both within and outside
5 the Government.

6 “(G) Appropriate consideration and align-
7 ment with the needs and priorities of the Infra-
8 structure and Common Application Collabora-
9 tion Center, Assisted Acquisition Centers of Ex-
10 cellence, and acquisition intern programs.

11 “(H) Assessment of the current workforce
12 competency and usage trends in evaluation
13 technique to obtain best value, including proper
14 handling of tradeoffs between price and
15 nonprice factors.

16 “(I) Assessment of the current workforce
17 competency in designing and aligning perform-
18 ance goals, life cycle costs, and contract incen-
19 tives.

20 “(J) Assessment of the current workforce
21 competency in avoiding brand-name preference
22 and using industry-neutral functional specifica-
23 tions to leverage open industry standards and
24 competition.

1 “(K) Use of integrated program teams, in-
2 cluding fully dedicated program managers, for
3 each complex information technology invest-
4 ment.

5 “(L) Proper assignment of recognition or
6 accountability to the members of an integrated
7 program team for both individual functional
8 goals and overall program success or failure.

9 “(M) The development of a technology fel-
10 lows program that includes provisions for re-
11 cruiting, for rotation of assignments, and for
12 partnering directly with universities with well-
13 recognized information technology programs.

14 “(N) The capability to properly manage
15 other transaction authority (where such author-
16 ity is granted), including ensuring that the use
17 of the authority is warranted due to unique
18 technical challenges, rapid adoption of innova-
19 tive or emerging commercial or noncommercial
20 technologies, or other circumstances that can-
21 not readily be satisfied using a contract, grant,
22 or cooperative agreement in accordance with ap-
23 plicable law and the Federal Acquisition Regu-
24 lation.

1 “(O) The use of student internship and
2 scholarship programs as a talent pool for per-
3 manent hires and the use and impact of special
4 hiring authorities and flexibilities to recruit di-
5 verse candidates.

6 “(P) The assessment of hiring manager
7 satisfaction with the hiring process and hiring
8 outcomes, including satisfaction with the quality
9 of applicants interviewed and hires made.

10 “(Q) The assessment of applicant satisfac-
11 tion with the hiring process, including the clar-
12 ity of the hiring announcement, the user-friend-
13 liness of the application process, communication
14 from the hiring manager or agency regarding
15 application status, and timeliness of the hiring
16 decision.

17 “(R) The assessment of new hire satisfac-
18 tion with the onboarding process, including the
19 orientation process, and investment in training
20 and development for employees during their
21 first year of employment.

22 “(S) Any other matters the Director con-
23 siders appropriate.

24 “(3) ANNUAL REPORT.—Not later than June 1
25 in each of the 5 years following the year of submis-

1 sion of the plan required by paragraph (1), the Di-
2 rector shall submit to the relevant congressional
3 committees an annual report outlining the progress
4 made pursuant to the plan.

5 “(4) GOVERNMENT ACCOUNTABILITY OFFICE
6 REVIEW OF THE PLAN AND ANNUAL REPORT.—

7 “(A) Not later than 1 year after the sub-
8 mission of the plan required by paragraph (1),
9 the Comptroller General of the United States
10 shall review the plan and submit to the relevant
11 congressional committees a report on the re-
12 view.

13 “(B) Not later than 6 months after the
14 submission of the first, third, and fifth annual
15 report required under paragraph (3), the Comp-
16 troller General shall independently assess the
17 findings of the annual report and brief the rel-
18 evant congressional committees on the Comp-
19 troller General’s findings and recommendations
20 to ensure the objectives of the plan are accom-
21 plished.

22 “(5) DEFINITIONS.—In this subsection:

23 “(A) The term ‘Federal agency’ means
24 each agency listed in section 901(b) of title 31.

1 “(B) The term ‘relevant congressional
2 committees’ means each of the following:

3 “(i) The Committee on Oversight and
4 Government Reform and the Committee on
5 Armed Services of the House of Represent-
6 atives.

7 “(ii) The Committee on Homeland Se-
8 curity and Governmental Affairs and the
9 Committee on Armed Services of the Sen-
10 ate.”.

11 **SEC. 5412. PLAN ON STRENGTHENING PROGRAM AND**
12 **PROJECT MANAGEMENT PERFORMANCE.**

13 (a) PLAN ON STRENGTHENING PROGRAM AND
14 PROJECT MANAGEMENT PERFORMANCE.—Not later than
15 June 1 following the date of the enactment of this Act,
16 the Director, in consultation with the Director of the Of-
17 fice of Personnel Management, shall submit to the relevant
18 congressional committees a plan for improving manage-
19 ment of IT programs and projects.

20 (b) MATTERS COVERED.—The plan required by sub-
21 section (a) shall include, at a minimum, the following:

22 (1) Creation of a specialized career path for
23 program management.

1 (2) The development of a competency model for
2 program management consistent with the IT project
3 manager model.

4 (3) A career advancement model that requires
5 appropriate expertise and experience for advance-
6 ment.

7 (4) A career advancement model that is more
8 competitive with the private sector and that recog-
9 nizes both Government and private sector experi-
10 ence.

11 (5) Appropriate consideration and alignment
12 with the needs and priorities of the Infrastructure
13 and Common Application Collaboration Center, the
14 Assisted Acquisition Centers of Excellence, and ac-
15 quisition intern programs.

16 (c) COMBINATION WITH OTHER CADRES PLAN.—
17 The Director may combine the plan required by subsection
18 (a) with the IT Acquisition Cadres Strategic Plan required
19 under section 1704(j) of title 41, United States Code, as
20 added by section 411.

21 **SEC. 5413. PERSONNEL AWARDS FOR EXCELLENCE IN THE**
22 **ACQUISITION OF INFORMATION SYSTEMS**
23 **AND INFORMATION TECHNOLOGY.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Director of the Of-

1 fice of Personnel Management shall develop policy and
2 guidance for agencies to develop a program to recognize
3 excellent performance by Federal Government employees
4 and teams of such employees in the acquisition of informa-
5 tion systems and information technology for the agency.

6 (b) ELEMENTS.—The program referred to in sub-
7 section (a) shall, to the extent practicable—

8 (1) obtain objective outcome measures; and

9 (2) include procedures for—

10 (A) the nomination of Federal Government
11 employees and teams of such employees for eli-
12 gibility for recognition under the program; and

13 (B) the evaluation of nominations for rec-
14 ognition under the program by 1 or more agen-
15 cy panels of individuals from Government, aca-
16 demia, and the private sector who have such ex-
17 pertise, and are appointed in such a manner, as
18 the Director of the Office of Personal Manage-
19 ment shall establish for purposes of the pro-
20 gram.

21 (c) AWARD OF CASH BONUSES AND OTHER INCEN-
22 TIVES.—In carrying out the program referred to in sub-
23 section (a), the Director of the Office of Personnel Man-
24 agement, in consultation with the Director of the Office
25 of Management and Budget, shall establish policies and

1 guidance for agencies to reward any Federal Government
2 employee or teams of such employees recognized pursuant
3 to the program—

4 (1) with a cash bonus, to the extent that the
5 performance of such individual or team warrants the
6 award of such bonus and is authorized by any provi-
7 sion of law;

8 (2) through promotions and other nonmonetary
9 awards;

10 (3) by publicizing—

11 (A) acquisition accomplishments by indi-
12 vidual employees; and

13 (B) the tangible end benefits that resulted
14 from such accomplishments, as appropriate;
15 and

16 (4) through other awards, incentives, or bo-
17 nuses that the head of the agency considers appro-
18 priate.

19 **TITLE LV—ADDITIONAL** 20 **REFORMS**

21 **SEC. 5501. MAXIMIZING THE BENEFIT OF THE FEDERAL** 22 **STRATEGIC SOURCING INITIATIVE.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Administrator for Federal Procure-
25 ment Policy shall prescribe regulations providing that

1 when the Federal Government makes a purchase of serv-
2 ices and supplies offered under the Federal Strategic
3 Sourcing Initiative (managed by the Office of Federal Pro-
4 curement Policy) but such Initiative is not used, the con-
5 tract file for the purchase shall include a brief analysis
6 of the comparative value, including price and nonprice fac-
7 tors, between the services and supplies offered under such
8 Initiative and services and supplies offered under the
9 source or sources used for the purchase.

10 **SEC. 5502. PROMOTING TRANSPARENCY OF BLANKET PUR-**
11 **CHASE AGREEMENTS.**

12 (a) PRICE INFORMATION TO BE TREATED AS PUBLIC
13 INFORMATION.—The final negotiated price offered by an
14 awardee of a blanket purchase agreement shall be treated
15 as public information.

16 (b) PUBLICATION OF BLANKET PURCHASE AGREE-
17 MENT INFORMATION.—Not later than 180 days after the
18 date of the enactment of this Act, the Administrator of
19 General Services shall make available to the public a list
20 of all blanket purchase agreements entered into by Federal
21 agencies under its Federal Supply Schedules contracts and
22 the prices associated with those blanket purchase agree-
23 ments. The list and price information shall be updated at
24 least once every 6 months.

1 **SEC. 5503. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**
2 **SOLICITATIONS.**

3 Section 3306(d) of title 41, United States Code, is
4 amended—

5 (1) by striking “or” at the end of paragraph

6 (1);

7 (2) by striking the period and inserting “; or”

8 at the end of paragraph (2); and

9 (3) by adding at the end the following new
10 paragraph:

11 “(3) stating in the solicitation that the award
12 will be made using a fixed price technical competi-
13 tion, under which all offerors compete solely on
14 nonprice factors and the fixed award price is pre-an-
15 nounced in the solicitation.”.

16 **SEC. 5504. ENHANCED TRANSPARENCY IN INFORMATION**
17 **TECHNOLOGY INVESTMENTS.**

18 (a) PUBLIC AVAILABILITY OF INFORMATION ABOUT
19 IT INVESTMENTS.—Section 11302(c) of title 40, United
20 States Code, is amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by inserting after paragraph (1) the fol-
24 lowing new paragraph:

25 “(2) PUBLIC AVAILABILITY.—

1 “(A) IN GENERAL.—The Director shall
2 make available to the public the cost, schedule,
3 and performance data for at least 80 percent
4 (by dollar value) of all information technology
5 investments Governmentwide, and 60 percent
6 (by dollar value) of all information technology
7 investments in each Federal agency listed in
8 section 901(b) of title 31, notwithstanding
9 whether the investments are for new IT acquisi-
10 tions or for operations and maintenance of ex-
11 isting IT. The Director shall ensure that the in-
12 formation is current, accurate, and reflects the
13 risks associated with each covered information
14 technology investment.

15 “(B) WAIVER OR LIMITATION AUTHOR-
16 ITY.—The applicability of subparagraph (A)
17 may be waived or the extent of the information
18 may be limited—

19 “(i) by the Director, with respect to
20 IT investments Governmentwide; and

21 “(ii) by the Chief Information Officer
22 of a Federal agency, with respect to IT in-
23 vestments in that agency;

24 if the Director or the Chief Information Officer,
25 as the case may be, determines that such a

1 waiver or limitation is in the national security
2 interests of the United States.”.

3 (b) **ADDITIONAL REPORT REQUIREMENTS.**—Para-
4 graph (3) of section 11302(e) of such title, as redesignated
5 by subsection (a), is amended by adding at the end the
6 following: “The report shall include an analysis of agency
7 trends reflected in the performance risk information re-
8 quired in paragraph (2).”.

9 **SEC. 5505. ENHANCED COMMUNICATION BETWEEN GOV-**
10 **ERNMENT AND INDUSTRY.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Federal Acquisition Regulatory
13 Council shall prescribe a regulation making clear that
14 agency acquisition personnel are permitted and encour-
15 aged to engage in responsible and constructive exchanges
16 with industry, so long as those exchanges are consistent
17 with existing law and regulation and do not promote an
18 unfair competitive advantage to particular firms.

19 **SEC. 5506. CLARIFICATION OF CURRENT LAW WITH RE-**
20 **SPECT TO TECHNOLOGY NEUTRALITY IN AC-**
21 **QUISITION OF SOFTWARE.**

22 (a) **PURPOSE.**—The purpose of this section is to es-
23 tablish guidance and processes to clarify that software ac-
24 quisitions by the Federal Government are to be made

1 using merit-based requirements development and evalua-
2 tion processes that promote procurement choices—

3 (1) based on performance and value, including
4 the long-term value proposition to the Federal Gov-
5 ernment;

6 (2) free of preconceived preferences based on
7 how technology is developed, licensed, or distributed;
8 and

9 (3) generally including the consideration of pro-
10 prietary, open source, and mixed source software
11 technologies.

12 (b) TECHNOLOGY NEUTRALITY.—Nothing in this
13 section shall be construed to modify the Federal Govern-
14 ment’s long-standing policy of following technology-neu-
15 tral principles and practices when selecting and acquiring
16 information technology that best fits the needs of the Fed-
17 eral Government.

18 (c) GUIDANCE.—Not later than 180 days after the
19 date of the enactment of this Act, the Director, in con-
20 sultation with the Chief Information Officers Council,
21 shall issue guidance concerning the technology-neutral
22 procurement and use of software within the Federal Gov-
23 ernment.

1 (d) MATTERS COVERED.—In issuing guidance under
2 subsection (c), the Director shall include, at a minimum,
3 the following:

4 (1) Guidance to clarify that the preference for
5 commercial items in section 3307 of title 41, United
6 States Code, includes proprietary, open source, and
7 mixed source software that meets the definition of
8 the term “commercial item” in section 103 of title
9 41, United States Code, including all such software
10 that is used for non-Government purposes and is li-
11 censed to the public.

12 (2) Guidance regarding the conduct of market
13 research to ensure the inclusion of proprietary, open
14 source, and mixed source software options.

15 (3) Guidance to define Governmentwide stand-
16 ards for security, redistribution, indemnity, and
17 copyright in the acquisition, use, release, and col-
18 laborative development of proprietary, open source,
19 and mixed source software.

20 (4) Guidance for the adoption of available com-
21 mercial practices to acquire proprietary, open source,
22 and mixed source software for widespread Govern-
23 ment use, including issues such as security and re-
24 distribution rights.

1 (5) Guidance to establish standard service level
2 agreements for maintenance and support for propri-
3 etary, open source, and mixed source software prod-
4 ucts widely adopted by the Government, as well as
5 the development of Governmentwide agreements that
6 contain standard and widely applicable contract pro-
7 visions for ongoing maintenance and development of
8 software.

9 (6) Guidance on the role and use of the Federal
10 Infrastructure and Common Application Collabora-
11 tion Center, established pursuant to section 11501
12 of title 40, United States Code (as added by section
13 5401), for acquisition of proprietary, open source,
14 and mixed source software.

15 (e) REPORT TO CONGRESS.—Not later than 2 years
16 after the issuance of the guidance required by subsection
17 (b), the Comptroller General of the United States shall
18 submit to the relevant congressional committees a report
19 containing—

20 (1) an assessment of the effectiveness of the
21 guidance;

22 (2) an identification of barriers to widespread
23 use by the Federal Government of specific software
24 technologies; and

1 (3) such legislative recommendations as the
2 Comptroller General considers appropriate to further
3 the purposes of this section.

