

113TH CONGRESS
1ST SESSION

H. R. 1232

To amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2013

Mr. ISSA (for himself and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management.

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 Information
5 Technology Acquisition Reform Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN
FEDERAL GOVERNMENT

- Sec. 101. Increased authority of agency Chief Information Officers over information technology.
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 Sec. 103. Reports by Government Accountability Office.

TITLE II—DATA CENTER OPTIMIZATION

- Sec. 201. Purpose.
 Sec. 202. Definitions.
 Sec. 203. Federal Data Center Optimization Initiative.
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 Sec. 205. Cost savings related to data center optimization.
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TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN
INFORMATION TECHNOLOGY ACQUISITION

- Sec. 301. Inventory of information technology assets.
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TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION
TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management
Practices

- Sec. 401. Establishment of Federal Infrastructure and Common Application Collaboration Center.
 Sec. 402. Designation of Assisted Acquisition Centers of Excellence.

Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 411. Expansion of training and use of information technology acquisition cadres.
 Sec. 412. Plan on strengthening program and project management performance.
 Sec. 413. Personnel awards for excellence in the acquisition of information systems and information technology.

TITLE V—ADDITIONAL REFORMS

- Sec. 501. Maximizing the benefit of the Federal Strategic Sourcing Initiative.
 Sec. 502. Promoting transparency of blanket purchase agreements.
 Sec. 503. Additional source selection technique in solicitations.
 Sec. 504. Enhanced transparency in information technology investments.
 Sec. 505. Enhanced communication between Government and industry.
 Sec. 506. Clarification of current law with respect to open source software.

1 SEC. 3. DEFINITIONS.

2 In this Act:

1 (1) CHIEF ACQUISITION OFFICERS COUNCIL.—
2 The term “Chief Acquisition Officers Council”
3 means the Chief Acquisition Officers Council estab-
4 lished by section 1311(a) of title 41, United States
5 Code.

6 (2) CHIEF INFORMATION OFFICER.—The term
7 “Chief Information Officer” means a Chief Informa-
8 tion Officer (as designated under section 3506(a)(2)
9 of title 44, United States Code) of an agency listed
10 in section 901(b) of title 31, United States Code.

11 (3) CHIEF INFORMATION OFFICERS COUNCIL.—
12 The term “Chief Information Officers Council” or
13 “CIO Council” means the Chief Information Officers
14 Council established by section 3603(a) of title 44,
15 United States Code.

16 (4) DIRECTOR.—The term “Director” means
17 the Director of the Office of Management and Budget.
18 et.

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

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

1 (7) 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 I—MANAGEMENT OF IN-**
11 **FORMATION TECHNOLOGY**
12 **WITHIN FEDERAL GOVERN-**
13 **MENT**

14 **SEC. 101. 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 responsibilities as set forth in this
21 section and in section 3506(a) of title 44 for Chief
22 Information Officers designated under paragraph (2)
23 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
17 and provide input in the budget planning proc-
18 ess related to information technology or pro-
19 grams that include significant information tech-
20 nology 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.

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

19 (c) REQUIREMENT TO SEEK ADVICE FROM CHIEF
20 INFORMATION OFFICER ON DESIGNATION OR APPOINT-
21 MENT OF OTHER CHIEF INFORMATION OFFICERS.—

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

24 (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 individual
4 with the title and designation of ‘Chief Information
5 Officer’. Any bureau, office, or subordinate organiza-
6 tion within the agency may designate one individual
7 with the title ‘Deputy Chief Information Officer’,
8 ‘Associate Chief Information Officer’, or ‘Assistant
9 Chief Information Officer’. The head of the agency
10 shall seek the advice of the Chief Information Offi-
11 cer of the agency in designating or appointing any
12 deputy, associate, or assistant chief information offi-
13 cer within the agency.”.

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

21 **SEC. 102. LEAD COORDINATION ROLE OF CHIEF INFORMA-**
22 **TION OFFICERS COUNCIL.**

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

1 “(d) LEAD INTERAGENCY FORUM.—

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

21 “(2) REPORT.—Not later than December 1 in
22 each of the 6 years following the date of the enact-
23 ment of this paragraph, the Council shall submit to
24 the relevant congressional committees a report (to be
25 known as the ‘CIO Council Report’) summarizing

1 the Council’s activities in the preceding fiscal year
2 and containing such recommendations for further
3 congressional action to fulfill its mission as the
4 Council considers appropriate.

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

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

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

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

19 “(8) Direct the Federal Infrastructure and
20 Common Application Collaboration Center estab-
21 lished under section 11501 of title 40.”.

22 **SEC. 103. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**
23 **FICE.**

24 (a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—
25 The Comptroller General of the United States shall exam-

1 ine the effectiveness of the Chief Information Officers
2 Council in meeting its responsibilities under section
3 3603(d) of title 44, United States Code, as added by sec-
4 tion 102, with particular focus on—

5 (1) whether agencies are actively participating
6 in the Council and heeding the Council’s advice and
7 guidance; and

8 (2) whether the Council is actively using and
9 developing the capabilities of the Federal Infrastruc-
10 ture and Common Application Collaboration Center
11 created under section 11501 of title 40, United
12 States Code, as added by section 401.

13 (b) REPORTS.—Not later than 1 year, 3 years, and
14 5 years after the date of the enactment of this Act, the
15 Comptroller General shall submit to the relevant congres-
16 sional committees a report containing the findings and
17 recommendations of the Comptroller General from the ex-
18 amination required by subsection (a).

19 **TITLE II—DATA CENTER** 20 **OPTIMIZATION**

21 **SEC. 201. PURPOSE.**

22 The purpose of this title is to optimize Federal data
23 center usage and efficiency.

24 **SEC. 202. DEFINITIONS.**

25 In this title:

1 (1) FEDERAL DATA CENTER OPTIMIZATION INI-
2 TIATIVE.—The term “Federal Data Center Optimi-
3 zation Initiative” or the “Initiative” means the ini-
4 tiative developed and implemented by the Director,
5 through the Federal Chief Information Officer, as
6 required under section 203.

7 (2) COVERED AGENCY.—The term “covered
8 agency” means any agency included in the Federal
9 Data Center Optimization Initiative.

10 (3) FEDERAL CHIEF INFORMATION OFFICER.—
11 The term “Federal Chief Information Officer”
12 means the Administrator of the Office of Electronic
13 Government established under section 3602 of title
14 44, United States Code.

15 (4) DATA CENTER.—The term “data center”
16 means a closet, room, floor, or building for the stor-
17 age, management, and dissemination of data and in-
18 formation, as defined by the Federal Chief Informa-
19 tion Officer under guidance issued pursuant to this
20 section.

21 (5) FEDERAL DATA CENTER.—The term “Fed-
22 eral data center” means any data center of a cov-
23 ered agency used or operated by a covered agency,
24 by a contractor of a covered agency, or by another
25 organization on behalf of a covered agency.

1 (6) SERVER UTILIZATION.—The term “server
2 utilization” refers to the activity level of a server rel-
3 ative to its maximum activity level, expressed as a
4 percentage.

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

11 **SEC. 203. FEDERAL DATA CENTER OPTIMIZATION INITIA-**
12 **TIVE.**

13 (a) REQUIREMENT FOR INITIATIVE.—The Federal
14 Chief Information Officer, in consultation with the chief
15 information officers of covered agencies, shall develop and
16 implement an initiative, to be known as the Federal Data
17 Center Optimization Initiative, to optimize the usage and
18 efficiency of Federal data centers by meeting the require-
19 ments of this Act and taking additional measures, as ap-
20 propriate.

21 (b) REQUIREMENT FOR PLAN.—Within 6 months
22 after the date of the enactment of this Act, the Federal
23 Chief Information Officer, in consultation with the chief
24 information officers of covered agencies, shall develop and
25 submit to Congress a plan for implementation of the Ini-

1 initiative required by subsection (a) by each covered agency.
2 In developing the plan, the Federal Chief Information Of-
3 ficer shall take into account the findings and recommenda-
4 tions of the Comptroller General review required by sec-
5 tion 205(e).

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

7 (1) descriptions of how covered agencies will
8 use reductions in floor space, energy use, infrastruc-
9 ture, equipment, applications, personnel, increases in
10 multiorganizational use, and other appropriate meth-
11 ods to meet the requirements of the initiative; and

12 (2) appropriate consideration of shifting Feder-
13 ally owned data centers to commercially owned data
14 centers.

15 **SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO**
16 **DATA CENTER CONSOLIDATION.**

17 (a) SERVER UTILIZATION.—Each covered agency
18 may use the following methods to achieve the maximum
19 server utilization possible as determined by the Federal
20 Chief Information Officer:

21 (1) The closing of existing data centers that
22 lack adequate server utilization, as determined by
23 the Federal Chief Information Officer. If the agency
24 fails to close such data centers, the agency shall pro-
25 vide a detailed explanation as to why this data cen-

1 ter should remain in use as part of the submitted
2 plan. The Federal Chief Information Officer shall in-
3 clude an assessment of the agency explanation in the
4 annual report to Congress.

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

7 (3) Any other method that the Federal Chief
8 Information Officer, in consultation with the chief
9 information officers of covered agencies, determines
10 necessary to optimize server utilization.

11 (b) POWER USAGE EFFECTIVENESS.—Each covered
12 agency may use the following methods to achieve the max-
13 imum energy efficiency possible as determined by the Fed-
14 eral Chief Information Officer:

15 (1) The use of the measurement of power usage
16 effectiveness to calculate data center energy effi-
17 ciency.

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

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

22 (4) The adoption of best practices for man-
23 aging—

24 (A) temperature and airflow in data cen-
25 ters; and

1 (B) power supply efficiency.

2 (5) The implementation of any other method
3 that the Federal Chief Information Officer, in con-
4 sultation with the Chief Information Officers of cov-
5 ered agencies, determines necessary to optimize data
6 center energy efficiency.

7 **SEC. 205. COST SAVINGS RELATED TO DATA CENTER OPTI-**
8 **MIZATION.**

9 (a) REQUIREMENT TO TRACK COSTS.—Each covered
10 agency shall track costs resulting from implementation of
11 the Federal Data Center Optimization Initiative within
12 the agency and submit a report on those costs annually
13 to the Federal Chief Information Officer. Covered agencies
14 shall determine the net costs from data consolidation on
15 an annual basis.

16 (1) FACTORS.—In calculating net costs each
17 year under subsection (a), a covered agency shall use
18 the following factors:

19 (A) Energy costs.

20 (B) Personnel costs.

21 (C) Real estate costs.

22 (D) Capital expense costs.

23 (E) Operating system, database, and other
24 software license expense costs.

1 (F) Other appropriate costs, as determined
2 by the agency in consultation with the Federal
3 Chief Information Officer.

4 (b) REQUIREMENT TO TRACK SAVINGS.—Each cov-
5 ered agency shall track savings resulting from implemen-
6 tation of the Federal Data Center Optimization Initiative
7 within the agency and submit a report on those savings
8 annually to the Federal Chief Information Officer. Cov-
9 ered agencies shall determine the net savings from data
10 consolidation on an annual basis.

11 (1) FACTORS.—In calculating net savings each
12 year under subsection (b), a covered agency shall use
13 the following factors:

14 (A) Energy savings.

15 (B) Personnel savings.

16 (C) Real estate savings.

17 (D) Capital expense savings.

18 (E) Operating system, database, and other
19 software license expense savings.

20 (F) Other appropriate savings, as deter-
21 mined by the agency in consultation with the
22 Federal Chief Information Officer.

23 (c) REQUIREMENT TO USE COST-EFFECTIVE MEAS-
24 URES.—Covered agencies shall use the most cost-effective

1 measures to implement the Federal Data Center Optimi-
2 zation Initiative.

3 (d) USE OF SAVINGS.—Any savings resulting from
4 implementation of the Federal Data Center Optimization
5 Initiative within a covered agency shall be used for the
6 following purposes:

7 (1) To offset the costs of implementing the Ini-
8 tiative within the agency.

9 (2) To further enhance information technology
10 capabilities and services within the agency.

11 (e) GOVERNMENT ACCOUNTABILITY OFFICE RE-
12 VIEW.—Not later than 3 months after the date of the en-
13 actment of this Act, the Comptroller General of the United
14 States shall examine methods for calculating savings from
15 the Initiative and using them for the purposes identified
16 in subsection (d), including establishment and use of a
17 special revolving fund that supports data centers and serv-
18 er optimization, and shall submit to the Federal Chief In-
19 formation Officer and Congress a report on the Comp-
20 troller General’s findings and recommendations.

21 **SEC. 206. REPORTING REQUIREMENTS TO CONGRESS AND**
22 **THE FEDERAL CHIEF INFORMATION OFFI-**
23 **CER.**

24 (a) AGENCY REQUIREMENT TO REPORT TO CIO.—
25 Each year, each covered agency shall submit to the Fed-

1 eral Chief Information Officer a report on the implementa-
2 tion of the Federal Data Center Optimization Initiative,
3 including savings resulting from such implementation. The
4 report shall include an update of the agency's plan for im-
5 plementing the Initiative.

6 (b) FEDERAL CHIEF INFORMATION OFFICER RE-
7 QUIREMENT TO REPORT TO CONGRESS.—Each year, the
8 Federal Chief Information Officer shall submit to the rel-
9 evant congressional committees a report that assesses
10 agency progress in carrying out the Federal Data Center
11 Optimization Initiative and updates the plan under section
12 203. The report may be included as part of the annual
13 report required under section 3606 of title 44, United
14 States Code.

15 **TITLE III—ELIMINATION OF DU-**
16 **PLICATION AND WASTE IN IN-**
17 **FORMATION TECHNOLOGY**
18 **ACQUISITION**

19 **SEC. 301. INVENTORY OF INFORMATION TECHNOLOGY AS-**
20 **SETS.**

21 (a) PLAN.—The Director shall develop a plan for con-
22 ducting a Governmentwide inventory of information tech-
23 nology assets.

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

1 (1) The manner in which Federal agencies can
2 achieve the greatest possible economies of scale and
3 cost savings in the procurement of information tech-
4 nology assets, through measures such as reducing
5 hardware or software products or services that are
6 duplicative or overlapping and reducing the procure-
7 ment of new software licenses until such time as
8 agency needs exceed the number of existing and un-
9 used licenses.

10 (2) The capability to conduct ongoing Govern-
11 mentwide inventories of all existing software licenses
12 on an application-by-application basis, including du-
13 plicative, unused, overused, and underused licenses,
14 and to assess the need of agencies for software li-
15 censes.

16 (3) A Governmentwide spending analysis to
17 provide knowledge about how much is being spent
18 for software products or services to support deci-
19 sions for strategic sourcing under the Federal stra-
20 tegic sourcing program managed by the Office of
21 Federal Procurement Policy.

22 (c) OTHER INVENTORIES.—In developing the plan re-
23 quired by subsection (a), the Director shall review the in-
24 ventory of information systems maintained by each agency
25 under section 3505(c) of title 44, United States Code, and

1 the inventory of information resources maintained by each
2 agency under section 3506(b)(4) of such title.

3 (d) AVAILABILITY.—The inventory of information
4 technology assets shall be available to Chief Information
5 Officers and such other Federal officials as the Chief In-
6 formation Officers may, in consultation with the Chief In-
7 formation Officers Council, designate.

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

12 (f) IMPLEMENTATION.—Not later than two years
13 after the date of the enactment of this Act, the Director
14 shall complete implementation of the plan required by sub-
15 section (a).

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

21 **SEC. 302. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

22 (a) WEBSITE CONSOLIDATION.—The Director
23 shall—

24 (1) in consultation with Federal agencies, and
25 after reviewing the directory of public Federal Gov-

1 ernment websites of each agency (as required to be
2 established and updated under section 207(f)(3) of
3 the E-Government Act of 2002 (Public Law 107–
4 347; 44 U.S.C. 3501 note)), assess all the publicly
5 available websites of Federal agencies to determine
6 whether there are duplicative or overlapping
7 websites; and

8 (2) require Federal agencies to eliminate or
9 consolidate those websites that are duplicative or
10 overlapping.

11 (b) WEBSITE TRANSPARENCY.—The Director shall
12 issue guidance to Federal agencies to ensure that the data
13 on publicly available websites of the agencies are open and
14 accessible to the public.

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

17 (1) develop guidelines, standards, and best
18 practices for interoperability and transparency;

19 (2) identify interfaces that provide for shared,
20 open solutions on the publicly available websites of
21 the agencies; and

22 (3) ensure that Federal agency Internet home
23 pages, web-based forms, and web-based applications
24 are accessible to individuals with disabilities in con-

1 formance with section 508 of the Rehabilitation Act
2 of 1973 (29 U.S.C. 794d).

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

6 **SEC. 303. TRANSITION TO THE CLOUD.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that transition to cloud computing offers significant
9 potential benefits for the implementation of Federal infor-
10 mation technology projects in terms of flexibility, cost, and
11 operational benefits.

12 (b) GOVERNMENTWIDE APPLICATION.—In assessing
13 cloud computing opportunities, the Chief Information Of-
14 ficers Council shall define policies and guidelines for the
15 adoption of Governmentwide programs providing for a
16 standardized approach to security assessment and oper-
17 ational authorization for cloud products and services.

18 (c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-
19 TION.—In transitioning to the cloud, a Chief Information
20 Officer of an agency listed in section 901(b) of title 31,
21 United States Code, may establish such cloud service
22 Working Capital Funds as may be necessary to transition
23 to cloud-based solutions. These cloud service Working
24 Capital Funds may preserve funding for cloud service

1 transitions for a period not to exceed 5 years per appro-
2 priation.

3 **SEC. 304. ELIMINATION OF UNNECESSARY DUPLICATION**
4 **OF CONTRACTS BY REQUIRING BUSINESS**
5 **CASE ANALYSIS.**

6 (a) PURPOSE.—The purpose of this section is to le-
7 verage the Government’s buying power and achieve admin-
8 istrative efficiencies and cost savings by eliminating un-
9 necessary duplication of contracts.

10 (b) REQUIREMENT FOR BUSINESS CASE AP-
11 PROVAL.—

12 (1) IN GENERAL.—Effective on and after 180
13 days after the date of the enactment of this Act, an
14 executive agency may not issue a solicitation for a
15 covered contract vehicle unless the agency performs
16 a business case analysis for the contract vehicle and
17 obtains an approval of the business case analysis
18 from the Administrator for Federal Procurement
19 Policy.

20 (2) REVIEW OF BUSINESS CASE ANALYSIS.—

21 (A) IN GENERAL.—With respect to any
22 covered contract vehicle, the Administrator for
23 Federal Procurement Policy shall review the
24 business case analysis submitted for the con-
25 tract vehicle and provide an approval or dis-

1 approval within 100 days after the date of sub-
2 mission. Any business case analysis not dis-
3 approved within such 100-day period is deemed
4 to be approved.

5 (B) BASIS FOR APPROVAL OF BUSINESS
6 CASE.—The Administrator for Federal Procure-
7 ment Policy shall approve or disapprove a busi-
8 ness case analysis based on the adequacy of the
9 analysis submitted. The Administrator shall
10 give primary consideration to whether an agen-
11 cy has demonstrated a compelling need that
12 cannot be satisfied by existing Governmentwide
13 contract vehicles in a timely and cost-effective
14 manner.

15 (3) CONTENT OF BUSINESS CASE ANALYSIS.—
16 The Administrator for Federal Procurement Policy
17 shall issue guidance specifying the content for a
18 business case analysis submitted pursuant to this
19 section. At a minimum, the business case analysis
20 shall include details on the administrative resources
21 needed for such contract vehicle, including an anal-
22 ysis of all direct and indirect costs to the Federal
23 Government of awarding and administering such
24 contract vehicle and the impact such contract vehicle

1 will have on the ability of the Federal Government
2 to leverage its purchasing power.

3 (c) DEFINITIONS.—

4 (1) COVERED CONTRACT VEHICLE.—The term
5 “covered contract vehicle” has the meaning provided
6 by the Administrator for Federal Procurement Pol-
7 icy in guidance issued pursuant to this section and
8 includes, at a minimum, any Governmentwide con-
9 tract vehicle , whether for acquisition of information
10 technology or other goods or services, in an amount
11 greater than \$50,000,000 (or \$10,000,000, deter-
12 mined on an average annual basis, in the case of
13 such a contract vehicle performed over more than
14 one year). The term does not include a multiple
15 award schedule contract awarded by the General
16 Services Administration, a Governmentwide acquisi-
17 tion contract for information technology awarded
18 pursuant to sections 11302(e) and 11314(a)(2) of
19 title 40, United States Code, or orders against exist-
20 ing Governmentwide contract vehicles.

21 (2) GOVERNMENTWIDE CONTRACT VEHICLE
22 AND EXECUTIVE AGENCY.—The terms “Govern-
23 mentwide contract vehicle” and “executive agency”
24 have the meanings provided in section 11501 of title
25 40, United States Code, as added by section 401.

1 (d) REPORT.—Not later than June 1 in each of the
2 next 6 years following the date of the enactment of this
3 Act, the Administrator for Federal Procurement Policy
4 shall submit to the relevant congressional committees a
5 report on the implementation of this section, including a
6 summary of the submissions, reviews, approvals, and dis-
7 approvals of business case analyses pursuant to this sec-
8 tion.

9 (e) GUIDANCE.—The Administrator for Federal Pro-
10 curement Policy shall issue guidance for implementing this
11 section.

12 (f) REVISION OF FAR.—Not later than 180 days
13 after the date of the enactment of this Act, the Federal
14 Acquisition Regulation shall be amended to implement this
15 section.

1 **TITLE IV—STRENGTHENING AND**
 2 **STREAMLINING INFORMATION**
 3 **TECHNOLOGY ACQUISITION**
 4 **MANAGEMENT PRACTICES**
 5 **TICES**

6 **Subtitle A—Strengthening and**
 7 **Streamlining IT Program Man-**
 8 **agement Practices**

9 **SEC. 401. ESTABLISHMENT OF FEDERAL INFRASTRUCTURE**
 10 **AND COMMON APPLICATION COLLABORA-**
 11 **TION CENTER.**

12 (a) ESTABLISHMENT.—

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

15 **“CHAPTER 115—INFORMATION TECH-**
 16 **NOLOGY ACQUISITION MANAGEMENT**
 17 **PRACTICES**

“Sec.

“11501. Federal Infrastructure and Common Application Collaboration Center.

18 **“§ 11501. Federal Infrastructure and Common Appli-**
 19 **cation Collaboration Center**

20 “(a) ESTABLISHMENT AND PURPOSES.—The Direc-
 21 tor of the Office of Management and Budget shall estab-
 22 lish a Federal Infrastructure and Common Application
 23 Collaboration Center (hereafter in this section referred to
 24 as the ‘Collaboration Center’) within the Office of Man-

1 agement and Budget in accordance with this section. The
2 purposes of the Collaboration Center are to serve as a
3 focal point for coordinated program management practices
4 and to develop and maintain requirements for the acquisi-
5 tion of IT infrastructure and common applications com-
6 monly used by various Federal agencies.

7 “(b) ORGANIZATION OF CENTER.—

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

10 “(A) An appropriate number, as deter-
11 mined by the CIO Council, but not less than
12 12, full-time program managers or cost special-
13 ists, all of whom have appropriate experience in
14 the private or Government sector in managing
15 or overseeing acquisitions of IT infrastructure
16 and common applications.

17 “(B) At least 1 full-time detailee from
18 each of the Federal agencies listed in section
19 901(b) of title 31, nominated by the respective
20 agency chief information officer for a detail pe-
21 riod of not less than 2 years.

22 “(2) WORKING GROUPS.—The Collaboration
23 Center shall have working groups that specialize in
24 IT infrastructure and common applications identi-
25 fied by the CIO Council. Each working group shall

1 be headed by a separate dedicated program manager
2 appointed by the CIO Council.

3 “(c) CAPABILITIES AND FUNCTIONS OF THE COL-
4 LABORATION CENTER.—For each of the IT infrastructure
5 and common application areas identified by the CIO Coun-
6 cil, the Collaboration Center shall perform the following
7 roles, and any other functions as directed by the CIO
8 Council:

9 “(1) Develop, maintain, and disseminate re-
10 quirements suitable to establish contracts that will
11 meet the common and general needs of various Fed-
12 eral agencies as determined by the Center. In doing
13 so, the Center shall give maximum consideration to
14 the adoption of commercial standards and industry
15 acquisition best practices, including opportunities for
16 shared services, consideration of total cost of owner-
17 ship, preference for industry-neutral functional spec-
18 ifications leveraging open industry standards and
19 competition, use of open source software, and use of
20 long-term contracts, as appropriate.

21 “(2) Develop, maintain, and disseminate reli-
22 able cost estimates that are accurate, comprehensive,
23 well-documented, and credible.

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

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

6 “(d) GUIDANCE.—The Director, in consultation with
7 the Chief Information Officers Council, shall issue guid-
8 ance addressing the scope and operation of the Collabora-
9 tion Center. The guidance shall require that the Collabora-
10 tion Center report to the Federal Chief Information Offi-
11 cer or his delegate.

12 “(e) REPORT TO CONGRESS.—The Director shall an-
13 nually submit to the relevant congressional committees a
14 report detailing the organization, staff, and activities of
15 the Collaboration Center, including a list of IT infrastruc-
16 ture and common applications the Center assisted and an
17 assessment of the Center’s achievement in promoting effi-
18 ciency, shared services, and elimination of unnecessary
19 Government requirements that are contrary to commercial
20 best practices.

21 “(f) IMPROVEMENT OF THE DOD ENTERPRISE
22 SOFTWARE INITIATIVE AND GSA SMARTBUY PROGRAM.—

23 “(1) IN GENERAL.—The Collaboration Center,
24 in collaboration with the Office of Federal Procure-
25 ment Policy, the Department of Defense, and the

1 General Services Administration, shall identify and
2 develop a strategic sourcing initiative to enhance
3 Governmentwide acquisition, shared use, and dis-
4 semination of software, as well as compliance with
5 end user license agreements.

6 “(2) EXAMINATION OF METHODS.—In devel-
7 oping the strategic sourcing initiative, the Collabora-
8 tion Center shall examine the use of realistic and ef-
9 fective demand aggregation models supported by ac-
10 tual agency commitment to use the models, and sup-
11 plier relationship management practices, to more ef-
12 fectively govern the Government’s acquisition of in-
13 formation technology.

14 “(3) GOVERNMENTWIDE USER LICENSE AGREE-
15 MENT.—The Collaboration Center, in coordination
16 with the Department of Defense and the General
17 Services Administration, shall issue guidelines for es-
18 tablishing a Governmentwide contract vehicle that
19 allows for the purchase of a license agreement that
20 is available for use by all executive agencies as one
21 user. To the maximum extent practicable, in estab-
22 lishing the Governmentwide contract vehicle, the
23 Collaboration Center shall pursue direct negotiation
24 and contracting with major software publishers as
25 prime contractors.

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

3 “(1) GUIDELINES.—The Collaboration Center
4 shall establish guidelines that, to the maximum ex-
5 tent possible, eliminate inconsistent practices among
6 executive agencies and ensure uniformity and con-
7 sistency in acquisition processes for IT infrastruc-
8 ture and common applications across the Federal
9 Government.

10 “(2) CENTRAL WEBSITE.—In preparing the
11 guidelines, the Collaboration Center, in consultation
12 with the Chief Acquisition Officers Council, shall
13 offer executive agencies the option of accessing a
14 central website for best practices, templates, and
15 other relevant information.

16 “(h) PRICING TRANSPARENCY.—The Collaboration
17 Center, in collaboration with the Office of Federal Pro-
18 curement Policy, the Chief Acquisition Officers Council,
19 the General Services Administration, and the Assisted Ac-
20 quisition Centers of Excellence, shall compile a price list
21 and catalogue containing current pricing information by
22 vendor for each of its IT infrastructure and common appli-
23 cations categories. The price catalogue shall contain any
24 price provided by a vendor for the same or similar good
25 or service to any executive agency. The catalogue shall be

1 developed in a fashion ensuring that it may be used for
2 pricing comparisons and pricing analysis using standard
3 data formats. The price catalogue shall not be made pub-
4 lic, but shall be accessible to executive agencies.

5 “(i) FEDERAL IT ACQUISITION MANAGEMENT IM-
6 PROVEMENT FUND.—

7 “(1) ESTABLISHMENT AND MANAGEMENT OF
8 FUND.—There is a Federal IT Acquisition Manage-
9 ment Improvement Fund (in this subsection referred
10 to as the ‘Fund’). The Administrator of General
11 Services shall manage the Fund through the Col-
12 laboration Center to support the activities of the
13 Collaboration Center carried out pursuant to this
14 section. The Administrator of General Services shall
15 consult with the Director in managing the Fund.

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

19 “(A) Governmentwide task and delivery
20 order contracts entered into under sections
21 4103 and 4105 of title 41.

22 “(B) Governmentwide contracts for the ac-
23 quisition of information technology and multi-
24 agency acquisition contracts for that technology
25 authorized by section 11314 of this title.

1 “(C) Multiple-award schedule contracts en-
2 tered into by the Administrator of General
3 Services.

4 “(3) REMITTANCE BY HEAD OF EXECUTIVE
5 AGENCY.—The head of an executive agency that ad-
6 ministers a contract described in paragraph (2) shall
7 remit to the General Services Administration the
8 amount required to be credited to the Fund with re-
9 spect to the contract at the end of each quarter of
10 the fiscal year.

11 “(4) AMOUNTS NOT TO BE USED FOR OTHER
12 PURPOSES.—The Administrator of General Services,
13 through the Office of Management and Budget, shall
14 ensure that amounts collected under this subsection
15 are not used for a purpose other than the activities
16 of the Collaboration Center carried out pursuant to
17 this section.

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

22 “(j) DEFINITIONS.—In this section:

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

1 “(2) GOVERNMENTWIDE CONTRACT VEHICLE.—
 2 The term ‘Governmentwide contract vehicle’ means
 3 any contract, blanket purchase agreement, or other
 4 contractual instrument that allows for an indefinite
 5 number of orders to be placed within the contract,
 6 agreement, or instrument, and that is established by
 7 one executive agency for use by multiple executive
 8 agencies to obtain supplies and services.

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

12 “(A) The Committee on Oversight and
 13 Government Reform and the Committee on
 14 Armed Services of the House of Representa-
 15 tives.

16 “(B) The Committee on Homeland Secu-
 17 rity and Governmental Affairs and the Com-
 18 mittee on Armed Services of the Senate.

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

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

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

1 (b) DEADLINES.—

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

6 (2) Not later than 1 year after the date of the
7 enactment of this Act, the Director shall establish
8 the Federal Infrastructure and Common Application
9 Collaboration Center, in accordance with section
10 11501(a) of such title, as so added.

11 (3) Not later than 2 years after the date of the
12 enactment of this Act, the Federal Infrastructure
13 and Common Application Collaboration Center
14 shall—

15 (A) identify and develop a strategic
16 sourcing initiative in accordance with section
17 11501(f) of such title, as so added; and

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

20 **SEC. 402. DESIGNATION OF ASSISTED ACQUISITION CEN-**
21 **TERS OF EXCELLENCE.**

22 (a) DESIGNATION.—Chapter 115 of title 40, United
23 States Code, as amended by section 401, is further amend-
24 ed by adding at the end the following new section:

1 **“§ 11502. Assisted Acquisition Centers of Excellence**

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

5 “(1) the effective use of best acquisition prac-
6 tices;

7 “(2) the development of specialized expertise in
8 the acquisition of information technology; and

9 “(3) Governmentwide sharing of acquisition ca-
10 pability to augment any shortage in the information
11 technology acquisition workforce.

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

24 “(c) FUNCTIONS.—The functions of each AAACE are
25 as follows:

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

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

13 “(3) DEVELOPMENT AND TRAINING OF IT AC-
14 QUISITION WORKFORCE.—To assist in recruiting and
15 training IT acquisition cadres (referred to in section
16 1704(j) of title 41).

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

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

23 “(2) For acquisitions of IT infrastructure and
24 common applications covered by the Federal Infra-
25 structure and Common Application Collaboration

1 Center established under section 11501 of this title,
2 the ability and willingness to collaborate with the
3 Collaboration Center and adhere to the requirements
4 standards established by the Collaboration Center.

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

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

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

17 “(6) The ability of an AACE to acquire innova-
18 tive or emerging commercial and noncommercial
19 technologies using various contracting methods, in-
20 cluding ways to lower the entry barriers for small
21 businesses with limited Government contracting ex-
22 periences.

23 “(7) The ability of an AACE to maximize com-
24 mercial item acquisition, effectively manage high-risk
25 contract types, increase competition, promote small

1 business participation, and maximize use of available
2 Governmentwide contract vehicles.

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

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

12 “(A) Active engagement by program offi-
13 cials with stakeholders.

14 “(B) Possession by program staff of the
15 necessary knowledge and skills.

16 “(C) Support of the programs by senior
17 department and agency executives.

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

20 “(E) Participation by end users in testing
21 of system functionality prior to formal end user
22 acceptance testing.

23 “(F) Stability and consistency of Govern-
24 ment and contractor staff.

1 “(G) Prioritization of requirements by pro-
2 gram staff.

3 “(H) Maintenance of regular communica-
4 tion with the prime contractor by program offi-
5 cials.

6 “(I) Receipt of sufficient funding by pro-
7 grams.

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

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

15 “(e) FUNDS RECEIVED BY AACEs.—

16 “(1) AVAILABILITY.—Notwithstanding any
17 other provision of law or regulation, funds obligated
18 and transferred from an executive agency in a fiscal
19 year to an AACE for the acquisition of goods or
20 services covered by an area of specialized acquisition
21 expertise of an AACE, regardless of whether the re-
22 quirements are severable or non-severable, shall re-
23 main available for awards of contracts by the AACE
24 for the same general requirements for the next 5 fis-

1 cal years following the fiscal year in which the funds
2 were transferred.

3 “(2) ADDITIONAL TRANSFER AUTHORITY.—If
4 the AACE to which the funds are transferred under
5 paragraph (1) becomes unable to fulfill the require-
6 ments of the executive agency from which the funds
7 were transferred, the funds may be transferred to a
8 different AACE to fulfill such requirements. The
9 funds so transferred shall be used for the same pur-
10 pose and remain available for the same period of
11 time as applied when transferred to the original
12 AACE.

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

17 “(f) GOVERNMENT ACCOUNTABILITY OFFICE RE-
18 VIEW OF AACE.—

19 “(1) REVIEW.—The Comptroller General of the
20 United States shall review and assess the use and
21 management of fees received by the AACEs pursu-
22 ant to this section to ensure that an appropriate fee
23 structure is established and enforced to cover activi-
24 ties addressed in this section and that no excess fees
25 are charged or retained.

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

7 “(g) DEFINITIONS.—In this section:

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

12 “(A) the servicing agency performs acquisi-
13 tion activities on the requesting agency’s behalf,
14 such as awarding, administering, or closing out
15 a contract, task order, delivery order, or blanket
16 purchase agreement; and

17 “(B) funding is provided through a fran-
18 chise fund, the Acquisition Services Fund in
19 section 321 of this title, sections 1535 and
20 1536 of title 31, or other available methods.

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

24 “(3) RELEVANT CONGRESSIONAL COMMIT-
25 TEES.—The term ‘relevant congressional commit-

1 tees’ has the meaning provided that term by section
2 11501 of this title.

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

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 115 of title 40, United States
7 Code, as amended by section 401, is further amended by
8 adding at the end the following new item:

“11502. Assisted Acquisition Centers of Excellence.”.

9 **Subtitle B—Strengthening IT**
10 **Acquisition Workforce**

11 **SEC. 411. EXPANSION OF TRAINING AND USE OF INFORMA-**
12 **TION TECHNOLOGY ACQUISITION CADRES.**

13 (a) PURPOSE.—The purpose of this section is to en-
14 sure timely progress by Federal agencies toward devel-
15 oping, strengthening, and deploying personnel with highly
16 specialized skills in information technology acquisition, in-
17 cluding program and project managers, to be known as
18 information technology acquisition cadres.

19 (b) REPORT TO CONGRESS.—Section 1704 of title
20 41, United States Code, is amended by adding at the end
21 the following new subsection:

22 “(j) STRATEGIC PLAN ON INFORMATION TECH-
23 NOLOGY ACQUISITION CADRES.—

24 “(1) FIVE-YEAR STRATEGIC PLAN TO CON-
25 GRESS.—Not later than June 1 following the date of

1 the enactment of this subsection, the Director shall
2 submit to the relevant congressional committees a 5-
3 year strategic plan (to be known as the ‘IT Acquisi-
4 tion Cadres Strategic Plan’) to develop, strengthen,
5 and solidify information technology acquisition cad-
6 res. The plan shall include a timeline for implemen-
7 tation of the plan and identification of individuals
8 responsible for specific elements of the plan during
9 the 5-year period covered by the plan.

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

12 “(A) Current information technology ac-
13 quisition staffing challenges in Federal agen-
14 cies, by previous year’s information technology
15 acquisition value, and by the Federal Govern-
16 ment as a whole.

17 “(B) The variety and complexity of infor-
18 mation technology acquisitions conducted by
19 each Federal agency covered by the plan, and
20 the specialized information technology acquisi-
21 tion workforce needed to effectively carry out
22 such acquisitions.

23 “(C) The development of a sustainable
24 funding model to support efforts to hire, retain,
25 and train an information technology acquisition

1 cadre of appropriate size and skill to effectively
2 carry out the acquisition programs of the Fed-
3 eral agencies covered by the plan, including an
4 examination of interagency funding methods
5 and a discussion of how the model of the De-
6 fense Acquisition Workforce Development Fund
7 could be applied to civilian agencies.

8 “(D) Any strategic human capital planning
9 necessary to hire, retain, and train an informa-
10 tion acquisition cadre of appropriate size and
11 skill at each Federal agency covered by the
12 plan.

13 “(E) Governmentwide training standards
14 and certification requirements necessary to en-
15 hance the mobility and career opportunities of
16 the Federal information technology acquisition
17 cadre within the Federal agencies covered by
18 the plan.

19 “(F) New and innovative approaches to
20 workforce development and training, including
21 cross-functional training, rotational develop-
22 ment, and assignments both within and outside
23 the Government.

24 “(G) Appropriate consideration and align-
25 ment with the needs and priorities of the Infra-

1 structure and Common Application Collabora-
2 tion Center, Assisted Acquisition Centers of Ex-
3 cellence, and acquisition intern programs.

4 “(H) Assessment of the current workforce
5 competency and usage trends in evaluation
6 technique to obtain best value, including proper
7 handling of tradeoffs between price and
8 nonprice factors.

9 “(I) Assessment of the current workforce
10 competency in designing and aligning perform-
11 ance goals, life cycle costs, and contract incen-
12 tives.

13 “(J) Assessment of the current workforce
14 competency in avoiding brand-name preference
15 and using industry-neutral functional specifica-
16 tions to leverage open industry standards and
17 competition.

18 “(K) Use of integrated program teams, in-
19 cluding fully dedicated program managers, for
20 each complex information technology invest-
21 ment.

22 “(L) Proper assignment of recognition or
23 accountability to the members of an integrated
24 program team for both individual functional
25 goals and overall program success or failure.

1 “(M) The development of a technology fel-
2 lows program that includes provisions for re-
3 cruiting, for rotation of assignments, and for
4 partnering directly with universities with well-
5 recognized information technology programs.

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

17 “(O) Any other matters the Director con-
18 siders appropriate.

19 “(3) ANNUAL REPORT.—Not later than June 1
20 in each of the 5 years following the year of submis-
21 sion of the plan required by paragraph (1), the Di-
22 rector shall submit to the relevant congressional
23 committees an annual report outlining the progress
24 made pursuant to the plan.

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

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

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

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

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

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

23 “(i) The Committee on Oversight and
24 Government Reform and the Committee on

1 Armed Services of the House of Represent-
2 atives.

3 “(ii) The Committee on Homeland Se-
4 curity and Governmental Affairs and the
5 Committee on Armed Services of the Sen-
6 ate.”.

7 **SEC. 412. PLAN ON STRENGTHENING PROGRAM AND**
8 **PROJECT MANAGEMENT PERFORMANCE.**

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

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

18 (1) Creation of a specialized career path for
19 program management.

20 (2) The development of a competency model for
21 program management consistent with the IT project
22 manager model.

23 (3) A career advancement model that requires
24 appropriate expertise and experience for advance-
25 ment.

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

3 (1) obtain objective outcome measures; and

4 (2) include procedures for—

5 (A) the nomination of Federal Government
6 employees and teams of such employees for eli-
7 gibility for recognition under the program; and

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

16 (c) AWARD OF CASH BONUSES AND OTHER INCEN-
17 TIVES.—In carrying out the program referred to in sub-
18 section (a), the Director of the Office of Personnel Man-
19 agement, in consultation with the Director of the Office
20 of Management and Budget, shall establish policies and
21 guidance for agencies to reward any Federal Government
22 employee or teams of such employees recognized pursuant
23 to the program—

24 (1) with a cash bonus, to the extent that the
25 performance of such individual or team warrants the

1 award of such bonus and is authorized by any provi-
2 sion of law;

3 (2) through promotions and other nonmonetary
4 awards;

5 (3) by publicizing—

6 (A) acquisition accomplishments by indi-
7 vidual employees; and

8 (B) the tangible end benefits that resulted
9 from such accomplishments, as appropriate;
10 and

11 (4) through other awards, incentives, or bo-
12 nuses that the head of the agency considers appro-
13 priate.

14 **TITLE V—ADDITIONAL REFORMS**

15 **SEC. 501. MAXIMIZING THE BENEFIT OF THE FEDERAL** 16 **STRATEGIC SOURCING INITIATIVE.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Administrator for Federal Procure-
19 ment Policy shall prescribe regulations providing that
20 when the Federal Government makes a purchase of serv-
21 ices and supplies offered under the Federal Strategic
22 Sourcing Initiative (managed by the Office of Federal Pro-
23 curement Policy) but such Initiative is not used, the con-
24 tract file for the purchase shall include a brief analysis
25 of the comparative value, including price and nonprice fac-

1 tors, between the services and supplies offered under such
2 Initiative and services and supplies offered under the
3 source or sources used for the purchase.

4 **SEC. 502. PROMOTING TRANSPARENCY OF BLANKET PUR-**
5 **CHASE AGREEMENTS.**

6 (a) PRICE INFORMATION TO BE TREATED AS PUB-
7 LIC INFORMATION.—The final negotiated price offered by
8 an awardee of a blanket purchase agreement shall be
9 treated as public information.

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

19 **SEC. 503. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**
20 **SOLICITATIONS.**

21 Section 3306(d) of title 41, United States Code, is
22 amended—

23 (1) by striking “or” at the end of paragraph
24 (1);

1 (2) by striking the period and inserting “; or”
2 at the end of paragraph (2); and

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

5 “(3) stating in the solicitation that the award
6 will be made using a fixed price technical competi-
7 tion, under which all offerors compete solely on
8 nonprice factors and the fixed award price is pre-an-
9 nounced in the solicitation.”.

10 **SEC. 504. ENHANCED TRANSPARENCY IN INFORMATION**
11 **TECHNOLOGY INVESTMENTS.**

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

15 (1) by redesignating paragraph (2) as para-
16 graph (3); and

17 (2) by inserting after paragraph (1) the fol-
18 lowing new paragraph (2):

19 “(2) PUBLIC AVAILABILITY.—

20 “(A) IN GENERAL.—The Director shall
21 make available to the public the cost, schedule,
22 and performance data for at least 80 percent
23 (by dollar value) of all information technology
24 investments Governmentwide, and 60 percent
25 (by dollar value) of all information technology

1 investments in each Federal agency listed in
2 section 901(b) of title 31. The Director shall
3 ensure that the information is current, accu-
4 rate, and reflects the risks associated with each
5 covered information technology investment.

6 “(B) WAIVER OR LIMITATION AUTHOR-
7 ITY.—The applicability of subparagraph (A)
8 may be waived or the extent of the information
9 may be limited—

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

12 “(ii) by the Chief Information Officer
13 of a Federal agency, with respect to IT in-
14 vestments in that agency;

15 if the Director or the Chief Information Officer,
16 as the case may be, determines that such a
17 waiver or limitation is in the national security
18 interests of the United States.”.

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

1 **SEC. 505. ENHANCED COMMUNICATION BETWEEN GOVERN-**
2 **MENT AND INDUSTRY.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Federal Acquisition Regulatory
5 Council shall prescribe a regulation making clear that
6 agency acquisition personnel are permitted and encour-
7 aged to engage in responsible and constructive exchanges
8 with industry, so long as those exchanges are consistent
9 with existing law and regulation and do not promote an
10 unfair competitive advantage to particular firms.

11 **SEC. 506. CLARIFICATION OF CURRENT LAW WITH RE-**
12 **SPECT TO OPEN SOURCE SOFTWARE.**

13 (a) **PURPOSE.**—The purpose of this section is to es-
14 tablish guidance and processes to clarify that open source
15 software is a valid procurement option that shall receive
16 full consideration alongside other options, in merit-based
17 requirements development and evaluation processes that
18 promote procurement choices based on performance and
19 value, and free of preconceived preferences based on how
20 technology is developed, licensed, or distributed within the
21 Federal Government.

22 (b) **TECHNOLOGY NEUTRALITY.**—Nothing in this
23 section shall be construed to modify the Federal Govern-
24 ment’s long-standing policy of following technology-neu-
25 tral principles and practices when selecting and acquiring

1 information technology that best fits the needs of the Fed-
2 eral Government.

3 (c) STANDARDS AND GUIDELINES.—Section
4 11302(d) of title 40, United States Code, is amended by
5 adding at the end the following: “The standards and
6 guidelines shall include those necessary to enable effective
7 adoption of open source software.”.

8 (d) GUIDANCE.—Not later than 180 days after the
9 date of the enactment of this Act, the Director, in con-
10 sultation with the Chief Information Officers Council,
11 shall issue guidance for the use and collaborative develop-
12 ment of open source software within the Federal Govern-
13 ment.

14 (e) MATTERS COVERED.—In issuing guidance under
15 subsection (c), the Director shall include, at a minimum,
16 the following:

17 (1) Guidance to clarify that the preference for
18 commercial items in section 3307 of title 41, United
19 States Code, includes all open source software that
20 meets the definition of the term “commercial item”
21 in section 103 of title 41, United States Code, in-
22 cluding all such software that is used for non-Gov-
23 ernment purposes and is licensed to the public.

1 (2) Guidance regarding the conduct of market
2 research to ensure the inclusion of open source soft-
3 ware.

4 (3) Guidance to establish a program to educate
5 the acquisition workforce by providing information
6 to identify and counter misconceptions about open
7 source software and to keep such information up-
8 dated.

9 (4) Guidance to define Governmentwide stand-
10 ards for security, redistribution, indemnity, and
11 copyright in the acquisition, use, release, and col-
12 laborative development of open source software.

13 (5) Guidance for the adoption of available com-
14 mercial practices to acquire open source software for
15 widespread Government use, including issues such as
16 security and redistribution rights.

17 (6) Guidance to establish standard service level
18 agreements for maintenance and support for open
19 source software products widely adopted by the Gov-
20 ernment, as well as the development of Government-
21 wide agreements that contain standard and widely
22 applicable contract provisions for ongoing mainte-
23 nance and development of open source software.

24 (7) Guidance on the role and use of the Federal
25 Infrastructure and Common Application Collabora-

1 tion Center, established pursuant to section 11501
2 of title 40, United States Code (as added by section
3 401), for acquisition of open source software.

4 (f) REPORT TO CONGRESS.—Not later than 2 years
5 after the issuance of the guidance required by subsection
6 (b), the Comptroller General of the United States shall
7 submit to the relevant congressional committees a report
8 containing—

9 (1) an assessment of the effectiveness of the
10 guidance;

11 (2) an identification of barriers to widespread
12 use by the Federal Government of open source soft-
13 ware; and

14 (3) such legislative recommendations as the
15 Comptroller General considers appropriate to further
16 the purposes of this section.

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