

H.R. 1232, the Federal IT Acquisition Reform Act (FITARA) (Suspension Amendment)

Section-by-Section Analysis

Sec. 1. Short title.

The short title of the bill is the ‘‘Federal Information Technology Acquisition Reform Act.’’

Sec. 2. Table of contents.

Provides the table of contents.

Sec. 3. Definitions.

Provides the definitions for the purpose of this bill.

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

Sec. 101. Increased authority of agency Chief Information Officers over information technology.

Increases the accountability and authority of the agency Chief Information Officers (CIO) over each agency's information technology (IT) investment practices. Subsection (a) makes the CIOs of the 17 major agencies (i.e., the CFO Act agencies in 31 USC § 901(b)(1))-- i) presidential appointees or designees; ii) maintain a direct reporting link with the head of the agency. Listed below are the 17 agencies:

The Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of State, the Department of Transportation, the Department of the Treasury, the Department of Veterans Affairs, the Environmental Protection Agency, the National Aeronautics and Space Administration.

Subsection (b) provides additional budget and personnel-related authority to 24 major agencies (i.e., the CFO Act agencies in 31 USC § 901(b)(1) and (2)). Listed below are the additional 7 agencies that are covered by this subsection:

The Agency for International Development, the General Services Administration, the National Science Foundation, the Nuclear Regulatory Commission, the Office of Personnel Management, the Small Business Administration, the Social Security Administration.

Subsection (c) eliminates redundant CIO positions within each executive agency covered by the Clinger-Cohen Act by requiring there be only one CIO for the entire agency.

Sec. 102. Lead coordination role of Chief Information Officers Council.

Expands the role of the CIO Council to encompass a more active role in portfolio-based oversight and establishment of cross-agency IT standards and practices. The word "acquisition" in the current statutory language is removed to clarify the potential conflict of authority between CIOs and Chief Acquisition Officers (CAOs). Requires additional reporting obligations to allow further transparency of the activities and roles of the CIO Council. Codifies the definition of the term "Federal Chief Information Officer" to mean the Administrator of the Office of Electronic Government established under the E-Government Act of 2002.

Sec. 103. Reports by Government Accountability Office.

Requires GAO review of CIO Council effectiveness.

TITLE II—DATA CENTER OPTIMIZATION

Sec. 201. Purpose.

The purpose of this title is to optimize federal data center usage and efficiency.

Sec. 202. Definitions.

Provides the definitions for the purpose of this title.

Sec. 203. Federal Data Center Optimization Initiative.

Requires the Federal CIO to develop and implement the Federal Data Center Optimization Initiative to optimize the usage and efficiency of federal data centers.

Sec. 204. Performance requirements related to data center consolidation.

Requires greater emphasis and clarity on performance with respect to server utilization and energy efficiency related to federal data centers.

Sec. 205. Cost savings related to data center optimization.

Requires tracking and reporting of costs and savings (realized and projected) from Data Center Optimization. Requires public availability of summary savings information for added transparency. Requires GAO to examine and verify the accuracy of the methods used to calculate savings.

Sec. 206. Reporting requirements to Congress and the Federal Chief Information Officer.

Requires each agency to annually report to the Federal CIO on the implementation of the Federal Data Center Optimization Initiative. The Federal CIO, in turn, is required to assess agency progress and report to Congress.

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

Sec. 301. Inventory of information technology software assets.

Requires the Director of Office of Management and Budget (OMB) to develop and implement a plan for conducting a governmentwide inventory of IT software assets.

Sec. 302. Website consolidation and transparency.

Requires the Director of OMB to eliminate or consolidate duplicative or overlapping public federal government websites. Requires the Director to issue guidance to ensure that the data on such websites are open and accessible to the public.

Sec. 303. Transition to the cloud.

Expresses the intent of Congress that transitioning to cloud computing offers significant potential benefits for federal IT projects. Requires the CIO Council to provide guidelines for the establishment of government-wide standards for security assessments pertaining to cloud offerings. Grants broader budget flexibility to the CIOs in the 24 Chief Financial Officer Act (CFO Act) agencies to establish cloud service Working Capital Funds. Requires any establishment of a new Working Capital Fund be reported to the Committees on Appropriations and other relevant Congressional committees.

Sec. 304. Elimination of unnecessary duplication of contracts by requiring business case analysis.

Eliminates unnecessary duplication of contracts across the federal enterprise by requiring that the agencies obtain the Office of Federal Procurement Policy (OFPP) approval of business case analysis when creating a new government-wide contract. To avoid undue delay, any business case analysis not disapproved within the 60-day period is deemed to be approved.

TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management Practices

Sec. 401. Pilot program on interagency collaboration.

Authorizes a 3-year pilot program to establish the Federal Infrastructure and Common Application Collaboration Center (Collaboration Center) within the Office of Electronic Government to promote coordinated program management practices for the acquisition of IT infrastructure and business applications commonly used by various federal agencies. No additional funds would be needed. It would utilize the existing fees already collected for certain interagency contracts. The use of the Collaboration Center is optional.

Sec. 402. Designation of Assisted Acquisition Centers of Excellence.

Requires designation of specialized Assisted Acquisition Centers of Excellence (AACE) to promote government-wide leverage of IT procurement special expertise that exists within government. AACEs are provided with enhanced budget flexibilities to enable long term IT acquisition planning. It is funded without appropriations, utilizing the existing fees already collected for certain interagency assisted acquisitions. The use of the Collaboration Center is optional.

Subtitle B—Strengthening IT Acquisition Workforce

Sec. 411. Expansion of training and use of information technology acquisition cadres.

Requires OMB to prepare and implement a 5-year strategic plan to enhance IT acquisition workforce capabilities. Requires an annual progress report and GAO verification to ensure effective implementation.

Sec. 412. Plan on strengthening program and project management performance.

Requires the Director of OMB, in consultation with the Director of the Office of Personnel Management (OPM), to provide a plan for improving management of IT programs and projects by creating a specialized career path for IT program managers.

Sec. 413. Personnel awards for excellence in the acquisition of information systems and information technology.

Requires the Director of the OPM to develop policies to recognize excellent performance in the acquisition of IT, including monetary incentives.

TITLE V—ADDITIONAL REFORMS

Sec. 501. Maximizing the benefit of the Federal Strategic Sourcing Initiative.

Requires the Federal Acquisition Regulation (FAR) to be amended to ensure proper consideration of the Federal Strategic Sourcing Initiative (FSSI) by contracting personnel.

Sec. 502. Governmentwide software purchasing program.

Requires the Administrator of General Services Administration (GSA) to develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software licenses.

Sec. 503. Promoting transparency of blanket purchase agreements.

Requires the Administrator of GSA to publish a list of all blanket purchase agreements (BPAs) entered into by federal agencies under its Federal Supply Schedules contract and the associated prices with those BPAs.

Sec. 504. Additional source selection technique in solicitations.

Provides an additional, non-mandatory source selection technique called "fixed price technical competition" to enhance best value acquisition practices.

Sec. 505. Enhanced transparency in information technology investments.

Increases the transparency of IT investments by requiring 80 percent of the governmentwide IT spending, and 60 percent of each of the 24 CFO Act agency IT spending, including the operations and maintenance of steady state investments, be covered by the IT Dashboard. Requires each agency and the Federal CIO to ensure that the information posted is current, accurate, and reflects the risks associated with each covered IT investment.

Sec. 506. Enhanced communication between Government and industry.

Requires strengthening of the government-industry exchange of information to enhance acquisition planning.

Sec. 507. Clarification of current law with respect to technology neutrality in acquisition of software.

Clarifies that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes, including the consideration of proprietary, open source, and mixed source software technologies.

Sec. 508. No additional funds authorized.

States that no additional funds are authorized to carry out the requirements of this Act other than the limited authorization in Sec. 401 for the pilot program.