

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

Explanation of Changes since House-NDAA (H.R. 1960) Div E

NOTE: Section & page numbers below refer to the text in H.R. 1232 Suspension Amendment, available at-- <http://docs.house.gov/floor/> (Text of Bills for the Week of Feb. 24, 2014)

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

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

P5, Ln8-P8, Ln17: Removed DoD exclusion in subsections (a) and (b) to apply the enhanced CIO authority on a government-wide basis. Below redline shows the changes--

(a) Presidential Appointment of CIOs of Certain Agencies-

(1) IN GENERAL- Section 11315 of title 40, United States Code, is amended--

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

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

 “(a) Presidential Appointment or Designation of Certain Chief Information Officers-

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

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

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

 “(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

 “(2) RESPONSIBILITIES- An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.’.

(2) CONFORMING AMENDMENT- Section 3506(a)(2) of title 44, United States Code, is amended ~~by inserting after ‘each agency’ the following: ‘, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40;’~~ (A) by striking ‘‘(A) Except as provided under subparagraph

(B), the head of each agency” and inserting “The head of each agency, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40,”; and (B) by striking subparagraph (B).

(b) Authority Relating to Budget and Personnel- Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

“(d) Additional Authorities for Certain CIOs-

“(1) BUDGET-RELATED AUTHORITY-

“(A) PLANNING- Notwithstanding any other provision of law, Tthe head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

“(B) ALLOCATION- Notwithstanding any other provision of law, Aamounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5, other than the Department of Defense, for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as ~~may be~~ specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

“(2) PERSONNEL-RELATED AUTHORITY- Notwithstanding any other provision of law, Tthe head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, ~~other than the Department of Defense,~~ shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.’.

TITLE II—DATA CENTER OPTIMIZATION

Sec. 203. Federal Data Center Optimization Initiative.

P15, Ln18-20: Provided a non-substantive technical clarification.

(2) appropriate consideration of shifting Federally owned data centers workload to commercially owned data centers.

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

P16, Ln18 - P17, Ln15: Provided a non-substantive technical clarification.

(b) Power Usage Effectiveness- Each covered agency may use the following methods to achieve the maximum energy efficiency possible as determined by the Federal Chief Information Officer:

- (1) The use of the measurement of power usage effectiveness to calculate data center energy efficiency.
- (2) The use of power meters in facilities dedicated to data center operations~~data centers~~ to frequently measure power consumption over time.
- (3) The establishment of power usage effectiveness goals for each data center.
- (4) The adoption of best practices for managing--
 - (A) temperature and airflow in facilities dedicated to data center operations~~data centers~~; and
 - (B) power supply efficiency.
- (5) The implementation of any other method that the Federal Chief Information Officer, in consultation with the Chief Information Officers of covered agencies, determines necessary to optimize data center energy efficiency.

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

P18, Ln14 - P20, Ln8: Subsection (b). Added clarity to the savings that need to be tracked. Required public availability of summary savings information (using the current Data.gov or elsewhere) for added transparency.

Subsection (c). Added provision to further clarify the use of estimation to measure or track costs and savings, such as, for small or old data centers that lack meters or other resources, in accordance with a methodology (e.g. the Total Cost of Ownership model) approved by the Federal CIO.

Subsection (d) - Use of Savings. Struck. Some suggested this might limit an agency's ability to flexibly use the savings under the existing rules. The Committee continues to believe that the agencies should be able to use the savings to offset implementation costs of the initiative, or to invest in IT enhancements that improve capabilities and services, subject to appropriations.

(b) Requirement to Track Savings-

- (1) IN GENERAL- Each covered agency shall track realized and projected savings resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those savings annually to the Federal Chief Information Officer. Covered agencies shall determine the net savings from data consolidation on an annual basis.
- (2) FACTORS- In calculating net savings each year under paragraph (1), a covered agency shall use the following factors:
 - (A) Energy savings.
 - (B) Personnel savings.
 - (C) Real estate savings.
 - (D) Capital expense savings.

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

(F) Other appropriate savings, as determined by the agency in consultation with the Federal Chief Information Officer.

(3) PUBLIC AVAILABILITY.—The Federal Chief Information Officer shall make publicly available a summary of realized and projected savings for each covered agency. The Federal Chief Information Officer shall identify any covered agency that failed to provide the annual report required under paragraph (1).

(c) Requirement to Use Cost-effective Measures- Covered agencies shall use the most cost-effective measures to implement the Federal Data Center Optimization Initiative, such as using estimation to measure or track costs and savings using a methodology approved by the Federal Chief Information Officer.

~~(d) Use of Savings—Subject to appropriations, any savings resulting from implementation of the Federal Data Center Optimization Initiative within a covered agency shall be used for the following purposes:~~

~~(1) To offset the costs of implementing the Initiative within the agency.~~

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

~~(e) Government Accountability Office Review-~~ Not later than ~~63~~ months after the date of the enactment of this Act, the Comptroller General of the United States shall examine methods for calculating savings from the Initiative and using them for the purposes identified in subsection (d), including establishment and use of a special revolving fund that supports data centers and server optimization, and shall submit to the Federal Chief Information Officer and Congress a report on the Comptroller General's findings and recommendations.

Sec. 206. Reporting requirements to congress and the federal chief information officer.

P20, Ln12 - P21, Ln2: In recognition of DoD's current effort under Section 2867 of FY2012 NDAA, the Committee allowed DoD flexibility to use the same data or report to satisfy these annual reporting requirements.

(1) IN GENERAL.—Except as provided in paragraph (2), each covered agency each year~~Each year, each covered agency~~ shall submit to the Federal Chief Information Officer a report on the implementation of the Federal Data Center Optimization Initiative, including savings resulting from such implementation. The report shall include an update of the agency's plan for implementing the Initiative.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall comply with paragraph (1) each year by submitting to the Federal Chief Information Officer a report with relevant information collected under section 2867 of Public Law 112–81 (10 U.S.C. 2223a note) or a copy of the report required under section 2867(d) of such law.

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

Sec. 301. Inventory of information technology software assets.

P21, Ln18 – P22, Ln21: De-scoped the requirement to focus solely on software assets.

(a) Plan- The Director shall develop a plan for conducting a Governmentwide inventory of information technology software assets.

(b) Matters Covered- The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology software assets, through measures such as ~~reducing hardware or software products or services that are duplicative or overlapping and~~ reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

~~(c) Other Inventories- In developing the plan required by subsection (a), the Director shall review the inventory of information systems maintained by each agency under section 3505(e) of title 44, United States Code, and the inventory of information resources maintained by each agency under section 3506(b)(4) of such title.~~

~~(c)~~ Availability- The inventory of information technology software assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

Sec. 303. Transition to the cloud.

P25, Ln7 – Ln17: Some viewed the deleted sentence below as restricting an agency's existing authority under its working capital fund. The sentence was struck.

(c) Additional Budget Authorities for Transition- In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. ~~Notwithstanding any other provision of law, such cloud service Working~~

~~Capital Funds may preserve funding for cloud service transitions for a period not to exceed 5 years per appropriation.~~ Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

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

P25, Ln21 – P28, Ln18: Made non-substantive technical changes to redefine the term "covered governmentwide contract." The term does not include a single agency contract.

(a) Purpose- The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) Requirement for Business Case Approval-

(1) IN GENERAL- Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 3312. Requirement for business case approval for new Governmentwide contracts.

"(a) IN GENERAL- ~~Effective on and after 180 days after the date of the enactment of this Act, A~~an executive agency may not issue a solicitation for a covered Governmentwide contract ~~vehiele~~ unless the agency performs a business case analysis for the contract ~~vehiele~~ and obtains an approval of the business case analysis from the Administrator for Federal Procurement Policy.

"(b2) REVIEW OF BUSINESS CASE ANALYSIS-

"(1A) IN GENERAL- With respect to any covered Governmentwide contract ~~vehiele~~, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract ~~vehiele~~ and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

"(2B) BASIS FOR APPROVAL OF BUSINESS CASE- The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract ~~vehiele~~s in a timely and cost-effective manner.

"(c3) CONTENT OF BUSINESS CASE ANALYSIS- The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract ~~vehiele~~, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract ~~vehiele~~ and the impact such contract ~~vehiele~~ will have on the ability of the Federal Government to leverage its purchasing power.

"(de) Definitions-In this section:

~~'(1) COVERED GOVERNMENTWIDE CONTRACT VEHICLE- The term `covered Governmentwide contract vehicle' means any contract, blanket purchase agreement, or other contractual instrument for acquisition of information technology or other goods or services that allows for an indefinite number of orders to be placed under the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain goods or services. has the meaning provided by the Administrator for Federal Procurement Policy in guidance issued pursuant to this section and includes, at a minimum, any Governmentwide contract vehicle , whether for acquisition of information technology or other goods or services, in an amount greater than \$50,000,000 (or \$10,000,000, determined on an average annual basis, in the case of such a contract vehicle performed over more than one year).~~

The term does not include--

~~"(A) a multiple award schedule contract awarded by the General Services Administration,~~

~~"(B) a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40, United States Code, or~~

~~"(C) orders under against existing Governmentwide contracts in existence before the effective date of this section; or vehicles~~

~~"(D) any contract in an amount less than \$10,000,000, determined on an average annual basis.~~

~~"(2) GOVERNMENTWIDE CONTRACT VEHICLE AND EXECUTIVE AGENCY- The terms `Governmentwide contract vehicle' and `executive agency' have the meanings provided in section 11501 of title 40, United States Code, as added by section 5401.~~

~~EXECUTIVE AGENCY- The term `executive agency' has the meaning provided that term by section 105 of title 5.~~

TITLE IV—STREAMLINING AND STRENGTHENING INFORMATION TECHNOLOGY ACQUISITION

Subtitle A—Strengthening IT Program Management Practices

Sec. 401. Pilot program on interagency collaboration establishment of federal infrastructure and common application collaboration center.

P30, Ln11 – P36, Ln21: Replaced the Collaboration Center with a 3-year pilot program with reduced funding authorization, subject to appropriation. Provided added clarity that the capabilities of the Center are additional, optional-use resources for Federal agencies. Subsection "(f) Improvement of the Governmentwide Software Purchasing Program was moved to Title V, Sec. 502 without substantive changes.

(a) ~~PILOT PROGRAM~~ Establishment-

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

CHAPTER 115--INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Sec.

11501. ~~Pilot program on interagency collaboration~~ ~~Federal infrastructure and common application collaboration center.~~

Sec. 11501. Pilot program on interagency collaboration ~~Federal infrastructure and common application collaboration center~~

(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Director of the Office of Management and Budget shall conduct a three-year pilot program in accordance with the requirements of this section to test alternative approaches for the management of commonly used information technology by executive agencies.

(b) Establishment and Purposes- For purposes of the pilot program, tThe Director of the Office of Management and Budget shall establish a Federal Infrastructure and Common Application Collaboration Center (hereafter in this section referred to as the Collaboration Center') within the Office of Electronic Government established under section 3602 of title 44 ~~in accordance with this section~~. The purposes of the Collaboration Center are to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote focal point for coordinated program management practices and to develop and maintain requirements for the acquisition of IT infrastructure and common applications commonly used by various Federal agencies.

(c) Organization of Center-

(1) MEMBERSHIP- The Center shall consist of the following members:

(A) An appropriate number, as determined by the CIO Council, but not less than 12, full-time program managers or cost specialists, all of whom have appropriate experience in the private or Government sector in managing or overseeing acquisitions of IT infrastructure and common applications.

(B) At least 1 full-time detailee from each of the Federal agencies listed in section 901(b) of title 31, nominated by the respective agency chief information officer for a detail period of not less than 1 year ~~2 years~~.

(2) WORKING GROUPS- The Collaboration Center shall have working groups that specialize in IT infrastructure and common applications identified by the CIO Council. Each working group shall be headed by a separate dedicated program manager appointed by the Federal Chief Information Officer.

(d) Capabilities and Functions of the Collaboration Center- For each of the IT infrastructure and common application areas identified by the CIO Council, the Collaboration Center shall perform the following roles, and any other functions as directed by the Federal Chief Information Officer:

\(1) Develop, maintain, and disseminate requirements suitable to establish contracts that will meet the common and general needs of various Federal agencies as determined by the Center. In doing so, the Center shall give maximum consideration to the adoption of commercial standards and industry acquisition best practices, including opportunities for shared services, consideration of total cost of ownership, preference for industry-neutral functional specifications leveraging open industry standards and competition, and use of long-term contracts, as appropriate.

\(2) Develop, maintain, and disseminate reliable cost estimates ~~that are accurate, comprehensive, well documented, and credible.~~

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

\(4) Provide expert aid to troubled IT investments or acquisitions.

\(ed) Guidance- The Director, in consultation with the Chief Information Officers Council, shall issue guidance addressing the scope and operation of the Collaboration Center. The guidance shall require that the Collaboration Center report to the Federal Chief Information Officer.

\(fe) Report to Congress-

\(1) IN GENERAL- The Director shall annually submit to the relevant congressional committees a report detailing the organization, staff, and activities of the Collaboration Center, including--

\(A) a list of IT infrastructure and common applications the Center assisted;

\(B) an assessment of the Center's achievement in promoting efficiency, shared services, and elimination of unnecessary Government requirements that are contrary to commercial best practices; and

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

\(2) INCLUSION IN OTHER REPORT- The report may be included as part of the annual E-Government status report required under section 3606 of title 44.

~~\(f) Improvement of the Governmentwide Software Purchasing Program-~~

~~\(1) IN GENERAL- The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Department of Defense, and the General Services Administration, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end-user license agreements.~~

~~\(2) EXAMINATION OF METHODS- In developing the initiative under paragraph (1), the Collaboration Center shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government's acquisition of information technology.~~

~~\(3) GOVERNMENTWIDE USER LICENSE AGREEMENT- The Collaboration Center, in developing the initiative under paragraph (1), shall allow for the~~

~~purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.~~

~~(g) Guidelines for Acquisition of IT Infrastructure and Common Applications-~~

~~(1) GUIDELINES- The Collaboration Center shall establish guidelines that, to the maximum extent possible, eliminate inconsistent practices among executive agencies and ensure uniformity and consistency in acquisition processes for IT infrastructure and common applications across the Federal Government.~~

~~(2) CENTRAL WEBSITE- In preparing the guidelines, the Collaboration Center, in consultation with the Chief Acquisition Officers Council, shall offer executive agencies the option of accessing a central website for best practices, templates, and other relevant information.~~

~~(h) Pricing Transparency- The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Chief Acquisition Officers Council, the General Services Administration, and the Assisted Acquisition Centers of Excellence, shall compile a price list and catalogue containing current pricing information by vendor for each of its IT infrastructure and common applications categories. The price catalogue shall contain any price provided by a vendor in a contract awarded for the same or similar good or service to any executive agency. The catalogue shall be developed in a fashion ensuring that it may be used for pricing comparisons and pricing analysis using standard data formats. The price catalogue shall not be made public, but shall be accessible to executive agencies.~~

~~(i) AUTHORIZATION TO USE FUND.—In any fiscal year, notwithstanding section 321(c) of title 40, up to five percent of the fees collected during the prior fiscal year under the multiple award schedule contracts entered into by the Administrator of General Services and credited to the Acquisition Services Fund under section 321 of title 40, may be used to fund the activities of the Collaboration Center. Each fiscal year, the Director, in consultation with the Federal Chief Information Officer, shall determine an appropriate amount needed to operate the Collaboration Center and the Administrator of General Services shall transfer amounts only to the extent and in such amounts as are provided in advance in appropriation acts from the Fund to the Director for the Center.~~

~~Federal It Acquisition Management Improvement Fund-~~

~~(1) ESTABLISHMENT AND MANAGEMENT OF FUND- There is a Federal IT Acquisition Management Improvement Fund (in this subsection referred to as the "Fund"). The Administrator of General Services shall manage the Fund through the Collaboration Center to support the activities of the Collaboration Center carried out pursuant to this section. The Administrator of General Services shall consult with the Director in managing the Fund.~~

~~(2) CREDITS TO FUND- Five percent of the fees collected by executive agencies under the following contracts shall be credited to the Fund:~~

~~(A) Governmentwide task and delivery order contracts entered into under sections 4103 and 4105 of title 41.~~

~~“(B) Governmentwide contracts for the acquisition of information technology and multiagency acquisition contracts for that technology authorized by section 11314 of this title.~~

~~“(C) Multiple award schedule contracts entered into by the Administrator of General Services.~~

~~“(3) REMITTANCE BY HEAD OF EXECUTIVE AGENCY— The head of an executive agency that administers a contract described in paragraph (2) shall remit to the General Services Administration the amount required to be credited to the Fund with respect to the contract at the end of each quarter of the fiscal year.~~

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

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

“(j) Definitions- In this section:

“(1) EXECUTIVE AGENCY- The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.

“(2) FEDERAL CHIEF INFORMATION OFFICER- The term ‘Federal Chief Information Officer’ means the Administrator of the Office of Electronic Government established under section 3602 of title 44.

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

“(34) RELEVANT CONGRESSIONAL COMMITTEES- The term ‘relevant congressional committees’ means each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

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

~~“(k) Revision of Far— The Federal Acquisition Regulation shall be amended to implement this section.”~~

Sec. 402. Designation of assisted acquisition centers of excellence.

P38, Ln7 – P40, Ln6: Provided added clarity that the capabilities of ACEs are additional, optional-use resources for Federal agencies and that this section does not provide any new authority to establish a franchise or revolving fund. Removed "low cost" as this term may be

mistakenly viewed as an encouragement of Lowest Price Technically Acceptable (LPTA) evaluation techniques.

`(a) Purpose- The purpose of this section is to develop specialized assisted acquisition centers of excellence within the Federal Government to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote--

`(1) the effective use of best acquisition practices;

`(2) the development of specialized expertise in the acquisition of information technology; and

`(3) Governmentwide sharing of acquisition capability to augment any shortage in the information technology acquisition workforce.

`(b) Designation of AACEs- Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Information Officers Council, shall designate, redesignate, or withdraw the designation of acquisition centers of excellence within various executive agencies to carry out the functions set forth in subsection (d) in an area of specialized acquisition expertise as determined by the Director. Each such center of excellence shall be known as an `Assisted Acquisition Center of Excellence' or an `AACE'.

“(c) USE OF EXISTING AUTHORITY.—This section provides no new authority to establish a franchise fund or revolving fund.

`(d) Functions- The functions of each AACE are as follows:

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

`(2) ASSISTED ACQUISITIONS- To assist all Government agencies in the expedient ~~and low-cost~~, strategic, and cost-effective acquisition of the information technology goods or services covered by such area of specialized acquisition expertise by engaging in repeated and frequent acquisition of similar information technology requirements.

`(3) DEVELOPMENT AND TRAINING OF IT ACQUISITION WORKFORCE- To assist in recruiting and training IT acquisition cadres (referred to in section 1704(j) of title 41).

TITLE V—ADDITIONAL REFORMS

Sec. 502. Governmentwide software purchasing program.

P56, Ln21 – P57, Ln15: This new section is simply existing text relocated from Sec. 401.

(a) IN GENERAL- The Administrator of General Services, in collaboration with the Department of Defense, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

(b) EXAMINATION OF METHODS.—In developing the initiative under subsection (a), the Administrator shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government’s acquisition of information technology.

(c) GOVERNMENTWIDE USER LICENSE AGREEMENT.—The Administrator, in developing the initiative under subsection (a), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

Sec. 505. Enhanced transparency in information technology investments.

P58, Ln23 – P60, Ln17: Added a clarification to ensure that all major IT investments that are currently covered on the IT Dashboard continue to be covered under the new requirement. Required quarterly review and certification by the agency to enhance integrity of data and risk assessment. Required public availability of the IT Dashboard data at all times.

(a) Public Availability of Information About IT Investments- Section 11302(c) of title 40, United States Code, is amended--

- (1) by redesignating paragraph (2) as paragraph (3); and
- (2) by inserting after paragraph (1) the following new paragraph:

“(2) PUBLIC AVAILABILITY-

“(A) IN GENERAL- The Director shall make available to the public the cost, schedule, and performance data for all of the IT investments listed in subparagraph (B), at least 80 percent (by dollar value) of all information technology investments Governmentwide, and 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31, notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT.

“(B) INVESTMENTS LISTED.—The investments listed in this subparagraph are the following:

“(i) At least 80 percent (by dollar value) of all information technology investments Governmentwide.

“(ii) At least 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31.

“(iii) Every major information technology investment (as defined by the Office of Management and Budget) in each Federal agency listed in section 901(b) of title 31.

“(C) QUARTERLY REVIEW AND CERTIFICATION.—For each investment listed in subparagraph (B), the agency Chief Information Officer and the program manager of the investment within the agency shall certify, at least once every quarter, that the information is current, accurate, and reflects the risks associated with each listed investment. The

Director shall conduct quarterly reviews and publicly identify agencies with an incomplete certification or with significant data quality issues.

“(D) CONTINUOUS AVAILABILITY.—The information required under subparagraph (A), in its most updated form, shall be publicly available at all times. The Director shall ensure that the information is current, accurate, and reflects the risks associated with each covered information technology investment.”

Sec. 508. No additional funds authorized.

P65, Ln8 – Ln13: Added a new section stating 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.