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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. HURD introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes.

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 CIO Author-  
5 ization Act of 2018”.

1 **SEC. 2. CHANGES RELATING TO ELECTRONIC GOVERN-**  
2 **MENT SERVICES.**

3 (a) CHANGE OF CERTAIN NAMES IN CHAPTER 36 OF  
4 TITLE 44.—

5 (1) DEFINITIONS.—Section 3601 of title 44,  
6 United States Code, is amended—

7 (A) by striking paragraph (1);

8 (B) by redesignating paragraphs (2)  
9 through (8) as paragraphs (1) through (7), re-  
10 spectively; and

11 (C) in paragraph (4), as so redesignated,  
12 by striking “E–Government Fund” and insert-  
13 ing “Federal IT Fund”.

14 (2) OFFICE OF ELECTRONIC GOVERNMENT.—  
15 Section 3602 of title 44, United States Code, is  
16 amended—

17 (A) in the heading, by striking “**OFFICE**  
18 **OF ELECTRONIC GOVERNMENT**” and insert-  
19 ing “**OFFICE OF THE FEDERAL CHIEF IN-**  
20 **FORMATION OFFICER**”;

21 (B) in subsection (a), by striking “Office  
22 of Electronic Government” and inserting “Of-  
23 fice of the Federal Chief Information Officer”;

24 (C) in subsection (b)—

1 (i) by striking “an Administrator”  
2 and inserting “a Federal Chief Information  
3 Officer”; and

4 (ii) by inserting before the period at  
5 the end the following: “and who shall re-  
6 port directly to the Director”;

7 (D) in subsection (c), by striking “The Ad-  
8 ministrator” and inserting “The Federal Chief  
9 Information Officer”;

10 (E) in subsection (d), by striking “The Ad-  
11 ministrator” and inserting “The Federal Chief  
12 Information Officer”;

13 (F) in subsection (e), by striking “The Ad-  
14 ministrator” and inserting “The Federal Chief  
15 Information Officer”;

16 (G) in subsection (f)—

17 (i) in the matter preceding paragraph  
18 (1), by striking “the Administrator” and  
19 inserting “the Federal Chief Information  
20 Officer”;

21 (ii) in paragraph (5), by striking “E-  
22 Government Fund” and inserting “Federal  
23 IT Fund”;

24 (iii) in paragraph (16), by striking  
25 “the Office of Electronic Government” and

1 inserting “the Office of the Federal Chief  
2 Information Officer”; and

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

5 “(18) Oversee the Federal Chief Information  
6 Security Officer.”; and

7 (H) in subsection (g), by striking “the Of-  
8 fice of Electronic Government” and inserting  
9 “the Office of the Federal Chief Information  
10 Officer”.

11 (3) CHIEF INFORMATION OFFICERS COUNCIL.—  
12 Section 3603 of title 44, United States Code, is  
13 amended—

14 (A) in subsection (b)(2), by striking “The  
15 Administrator of the Office of Electronic Gov-  
16 ernment” and inserting “The Federal Chief In-  
17 formation Officer”;

18 (B) in subsection (c)(1), by striking “The  
19 Administrator of the Office of Electronic Gov-  
20 ernment” and inserting “The Federal Chief In-  
21 formation Officer”; and

22 (C) in subsection (f)—

23 (i) in paragraph (3), by striking “the  
24 Administrator” and inserting “the Federal  
25 Chief Information Officer”; and

1 (ii) in paragraph (5), by striking “the  
2 Administrator” and inserting “the Federal  
3 Chief Information Officer”.

4 (4) E-GOVERNMENT FUND.—Section 3604 of  
5 title 44, United States Code, is amended—

6 (A) in the heading, by striking “**E-GOV-**  
7 **ERNMENT FUND**” and inserting “**FEDERAL**  
8 **IT FUND**”;

9 (B) in subsection (a)—

10 (i) in paragraph (1), by striking “E-  
11 Government Fund” and inserting “Federal  
12 IT Fund”; and

13 (ii) in paragraph (2), by striking “the  
14 Administrator of the Office of Electronic  
15 Government” and inserting “the Federal  
16 Chief Information Officer”;

17 (C) in subsection (b), by striking “Admin-  
18 istrator” each place it appears and inserting  
19 “Federal Chief Information Officer”; and

20 (D) in subsection (c), by striking “the Ad-  
21 ministrator” and inserting “the Federal Chief  
22 Information Officer”.

23 (5) PROGRAM TO ENCOURAGE INNOVATIVE SO-  
24 LUTIONS TO ENHANCE ELECTRONIC GOVERNMENT

1 SERVICES AND PROCESSES.—Section 3605 of title  
2 44, United States Code, is amended—

3 (A) in subsection (a), by striking “The Ad-  
4 ministrator” and inserting “The Federal Chief  
5 Information Officer”;

6 (B) in subsection (b), by striking “, the  
7 Administrator,” and inserting “, the Federal  
8 Chief Information Officer,”; and

9 (C) in subsection (c)—

10 (i) in paragraph (1)—

11 (I) by striking “The Adminis-  
12 trator” and inserting “The Federal  
13 Chief Information Officer”; and

14 (II) by striking “proposals sub-  
15 mitted to the Administrator” and in-  
16 serting “proposals submitted to the  
17 Federal Chief Information Officer”;

18 (ii) in paragraph (2)(B), by striking  
19 “the Administrator” and inserting “the  
20 Federal Chief Information Officer”; and

21 (iii) in paragraph (4)—

22 (I) by striking “the Adminis-  
23 trator” and inserting “the Federal  
24 Chief Information Officer”; and

1 (II) by striking “E–Government  
2 Fund” and inserting “Federal IT  
3 Fund”.

4 (6) E–GOVERNMENT REPORT.—Section 3606 of  
5 title 44, United States Code, is amended—

6 (A) in the heading, by striking “**E–Gov-**  
7 **ernment**” and inserting “**Annual**” ; and

8 (B) in subsection (a), by striking “an E–  
9 Government status report to the Committee on  
10 Governmental Affairs of the Senate and the  
11 Committee on Government Reform of the  
12 House of Representatives” and inserting “a re-  
13 port to the Committee on Homeland Security  
14 and Governmental Affairs of the Senate and the  
15 Committee on Oversight and Government Re-  
16 form of the House of Representatives”.

17 (7) TREATMENT OF INCUMBENT.—The indi-  
18 vidual serving as the Administrator of the Office of  
19 Electronic Government under section 3602 of title  
20 44, United States Code, as of the date of the enact-  
21 ment of this Act, may continue to serve as the Fed-  
22 eral Chief Information Officer commencing as of  
23 that date, without further appointment under such  
24 section.

1           (8) REFERENCES.—Any reference to the Ad-  
2           ministrators of the Office of Electronic Government  
3           in any law, regulation, document, record, or other  
4           paper of the United States shall be deemed to be a  
5           reference to the Federal Chief Information Officer.

6           (9) TECHNICAL AND CONFORMING AMEND-  
7           MENTS.—

8           (A) TABLE OF SECTIONS FOR CHAPTER 36  
9           OF TITLE 44.—The table of sections for chapter  
10          36 of title 44, United States Code, is amend-  
11          ed—

12                   (i) by striking the item relating to sec-  
13                   tion 3602 and inserting the following new  
14                   item:

“3602. Office of the Federal Chief Information Officer.”;

15                   (ii) by striking the item relating to  
16                   section 3604 and inserting the following  
17                   new item:

“3604. Federal IT Fund.”; and

18                   (iii) in the item relating to section  
19                   3606, by striking “E–Government” and in-  
20                   serting “Annual”.

21           (B) PRESIDENTIAL INNOVATION FELLOWS  
22          PROGRAM           ADVISORY           BOARD.—Section  
23          3172(b)(3) of title 5, United States Code, is  
24          amended by striking “the Administrator of the

1 Office of Electronic Government of the Office of  
2 Management and Budget” and inserting “the  
3 Federal Chief Information Officer”.

4 (C) POSITIONS AT LEVEL III.—Section  
5 5314 of title 5, United States Code, is amended  
6 by striking “Administrator of the Office of  
7 Electronic Government” and inserting “Federal  
8 Chief Information Officer”.

9 (D) TABLE OF SECTIONS FOR CHAPTER 5  
10 OF TITLE 31.—The table of sections for chapter  
11 5 of subtitle I of title 31, United States Code,  
12 is amended by striking the item relating to sec-  
13 tion 507 and inserting the following new item:

“507. Office of the Federal Chief Information Officer.”.

14 (E) OFFICE OF ELECTRONIC GOVERN-  
15 MENT.—Section 507 of title 31, United States  
16 Code, is amended—

17 (i) in the heading, by striking “**OF-**  
18 **FICE OF ELECTRONIC GOVERNMENT**”  
19 and inserting “**OFFICE OF THE FED-**  
20 **ERAL CHIEF INFORMATION OFFICER**”;  
21 and

22 (ii) by striking “The Office of Elec-  
23 tronic Government” and inserting “The  
24 Office of the Federal Chief Information  
25 Officer”.

1 (F) PROGRAM MANAGEMENT IMPROVE-  
2 MENT OFFICERS AND PROGRAM MANAGEMENT  
3 POLICY COUNCIL.—Section 1126(b)(3)(A)(i)(II)  
4 of title 31, United States Code, is amended by  
5 striking “The Administrator of the Office of  
6 Electronic Government” and inserting “The  
7 Federal Chief Information Officer”.

8 (G) ELECTRONIC GOVERNMENT AND IN-  
9 FORMATION TECHNOLOGIES.—Section 305 of  
10 title 40, United States Code, is amended by  
11 striking “the Administrator of the Office of  
12 Electronic Government” and inserting “the  
13 Federal Chief Information Officer”.

14 (H) CAPITAL PLANNING AND INVESTMENT  
15 CONTROL.—Section 11302(c)(4) of title 40,  
16 United States Code, is amended by striking  
17 “the Administrator of the Office of Electronic  
18 Government” each place it appears and insert-  
19 ing “the Federal Chief Information Officer”.

20 (I) RESOURCES, PLANNING, AND PORT-  
21 FOLIO MANAGEMENT.—Section 11319(d) of  
22 title 40, United States Code, is amended by  
23 striking “Administrator of the Office of Elec-  
24 tronic Government” each place it appears and  
25 inserting “Federal Chief Information Officer”.

1                   (J) E-GOVERNMENT ACT OF 2002.—Sec-  
2                   tion 207(f)(3)(C) of the E-Government Act of  
3                   2002 (Public Law 107-347; 44 U.S.C. 3501  
4                   note) is amended by striking “the Adminis-  
5                   trator of the Office of Electronic Government”  
6                   and inserting “the Federal Chief Information  
7                   Officer”.

8                   (b) ESTABLISHMENT OF CHIEF INFORMATION SECUR-  
9                   RITY OFFICER AND REPORT ON IT EXPENDITURES.—

10                   (1) IN GENERAL.—Chapter 36 of title 44,  
11                   United States Code, is further amended by adding  
12                   at the end the following new sections:

13                   **“§ 3607. Federal Chief Information Security Officer**

14                   “(a) ESTABLISHMENT.—There is established in the  
15                   Office of Management and Budget a Federal Chief Infor-  
16                   mation Security Officer, who shall—

17                   “(1) be appointed by the President;

18                   “(2) be within the Office of the Federal Chief  
19                   Information Officer; and

20                   “(3) report directly to the Federal Chief Infor-  
21                   mation Officer.

22                   “(b) DUTIES.—The Federal Chief Information Secu-  
23                   rity Officer shall—

24                   “(1) direct the cybersecurity efforts of the Of-  
25                   fice of Management and Budget;

1           “(2) carry out the duties of the Director related  
2           to the security of information and information sys-  
3           tems for agencies, including the duties and respon-  
4           sibilities assigned to the Director under subchapter  
5           II of chapter 35; and

6           “(3) carry out such other duties and powers as-  
7           signed by the President, the Director, or the Federal  
8           Chief Information Officer.

9   **“§ 3608. Technology investment planning and over-**  
10                           **sight process**

11           “(a) REPORT ON INFORMATION TECHNOLOGY EX-  
12   PENDITURES.—The head of each agency shall submit to  
13   the Federal Chief Information Officer a report on any ex-  
14   penditure on information technology by that agency.

15           “(b) IMPLEMENTATION.—The Director shall estab-  
16   lish a process to implement subsection (a), and may up-  
17   date such process, as necessary, that shall—

18           “(1) use a widely accepted industry standard  
19           taxonomy with common data elements and defini-  
20           tions; and

21           “(2) display, on a website accessible to the pub-  
22           lic, timely, searchable, computer-readable data on  
23           the information technology expenditures, projects,  
24           and programs of agencies, if such information would  
25           otherwise be subject to public disclosure under sec-

1 tion 552 of title 5, commonly known as the Freedom  
2 of Information Act.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions for chapter 36 of title 44, United States Code,  
5 is further amended by adding at the end the fol-  
6 lowing new item:

“3607. Federal Chief Information Security Officer.

“3608. Technology Investment Planning and Oversight Process.”.

7 (3) DEADLINE.—Not later than 180 days after  
8 the date of the enactment of this Act, the Director  
9 shall establish the process described in section  
10 3608(b) of title 44, United States Code, as added by  
11 paragraph (1).

12 (4) REPORT TO CONGRESS.—Not later than  
13 120 days after the date of the enactment of this Act,  
14 the Federal Chief Information Officer shall submit  
15 to the Committee on Oversight and Government Re-  
16 form of the House of Representatives and the Com-  
17 mittee on Homeland Security and Governmental Af-  
18 fairs of the Senate a report on the status of estab-  
19 lishing the process described in section 3608(b) of  
20 title 44, United States Code, as added by paragraph  
21 (1).

22 **SEC. 3. PROPOSAL RELATED TO SHARED SERVICES.**

23 Not later than 180 days after the date of the enact-  
24 ment of this Act, the Federal Chief Information Officer

1 shall submit to Congress a proposal for consolidating in-  
2 formation technology across the Federal Government, es-  
3 pecially among Federal agencies not referred to under sec-  
4 tion 901(b) of title 31, United States Code, and increasing  
5 the use of shared services, including any recommendations  
6 for legislative changes that may be necessary to effect the  
7 proposal.