

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4435  
OFFERED BY MR. CONNOLLY OF VIRGINIA AND  
MR. ISSA OF CALIFORNIA**

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

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

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

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

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

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

DIVISION E—FEDERAL INFORMATION TECHNOLOGY ACQUISITION  
REFORM

Sec. 5001. Short title.

Sec. 5002. Table of contents.

Sec. 5003. Definitions.

TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY  
WITHIN FEDERAL GOVERNMENT

Sec. 5101. Increased authority of agency Chief Information Officers over infor-  
mation technology.

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

Sec. 5103. Reports by Government Accountability Office.

TITLE LII—DATA CENTER OPTIMIZATION

Sec. 5201. Purpose.

Sec. 5202. Definitions.

Sec. 5203. Federal data center optimization initiative.

Sec. 5204. Performance requirements related to data center consolidation.

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

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

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

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

TITLE LIV—STRENGTHENING IT ACQUISITION WORKFORCE

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

TITLE LV—ADDITIONAL REFORMS

- Sec. 5501. Maximizing the benefit of the Federal strategic sourcing initiative.
- Sec. 5502. Governmentwide software purchasing program.
- Sec. 5503. Promoting transparency of blanket purchase agreements.
- Sec. 5504. Additional source selection technique in solicitations.
- Sec. 5505. Enhanced transparency in information technology investments.
- Sec. 5506. Enhanced communication between government and industry.
- Sec. 5507. Clarification of current law with respect to technology neutrality in acquisition of software.
- Sec. 5508. No additional funds authorized.

1 **SEC. 5003. DEFINITIONS.**

2 In this division:

3 (1) CHIEF ACQUISITION OFFICERS COUNCIL.—

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

8 (2) CHIEF INFORMATION OFFICER.—The term

9 “Chief Information Officer” means a Chief Informa-  
10 tion Officer (as designated under section 3506(a)(2)

1 of title 44, United States Code) of an agency listed  
2 in section 901(b) of title 31, United States Code.

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

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

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

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

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

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

1 (A) The Committee on Oversight and Gov-  
2 ernment Reform and the Committee on Armed  
3 Services of the House of Representatives.

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

7 **TITLE LI—MANAGEMENT OF IN-**  
8 **FORMATION TECHNOLOGY**  
9 **WITHIN FEDERAL GOVERN-**  
10 **MENT**

11 **SEC. 5101. INCREASED AUTHORITY OF AGENCY CHIEF IN-**  
12 **FORMATION OFFICERS OVER INFORMATION**  
13 **TECHNOLOGY.**

14 (a) PRESIDENTIAL APPOINTMENT OF CIOs OF CER-  
15 TAIN AGENCIES.—

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

18 (A) by redesignating subsection (a) as sub-  
19 section (e) and moving such subsection to the  
20 end of the section; and

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

23 “(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION  
24 OF CERTAIN CHIEF INFORMATION OFFICERS.—

1           “(1) IN GENERAL.—There shall be within each  
2           agency listed in section 901(b)(1) of title 31 an  
3           agency Chief Information Officer. Each agency Chief  
4           Information Officer shall—

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

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

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

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

21           (2) CONFORMING AMENDMENTS.—Section  
22          3506(a)(2) of title 44, United States Code, is  
23          amended—

24                   (A) by striking “(A) Except as provided  
25          under subparagraph (B), the head of each

1           agency” and inserting “The head of each agen-  
2           cy, other than an agency with a Presidentially  
3           appointed or designated Chief Information Offi-  
4           cer as provided in section 11315(a)(1) of title  
5           40,”; and

6                   (B) by striking subparagraph (B).

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

11           “(d) ADDITIONAL AUTHORITIES FOR CERTAIN  
12 CIOs.—

13                   “(1) BUDGET-RELATED AUTHORITY.—

14                           “(A) PLANNING.—Notwithstanding any  
15                   other provision of law, the head of each agency  
16                   listed in section 901(b)(1) or 901(b)(2) of title  
17                   31 and in section 102 of title 5 shall ensure  
18                   that the Chief Information Officer of the agen-  
19                   cy has the authority to participate in decisions  
20                   regarding the budget planning process related  
21                   to information technology or programs that in-  
22                   clude significant information technology compo-  
23                   nents.

24                           “(B) ALLOCATION.—Notwithstanding any  
25                   other provision of law, amounts appropriated

1           for any agency listed in section 901(b)(1) or  
2           901(b)(2) of title 31 and in section 102 of title  
3           5 for any fiscal year that are available for infor-  
4           mation technology shall be allocated within the  
5           agency, consistent with the provisions of appro-  
6           priations Acts and budget guidelines and rec-  
7           ommendations from the Director of the Office  
8           of Management and Budget, in such manner as  
9           specified by, or approved by, the Chief Informa-  
10          tion Officer of the agency in consultation with  
11          the Chief Financial Officer of the agency and  
12          budget officials.

13           “(2) PERSONNEL-RELATED AUTHORITY.—Not-  
14          withstanding any other provision of law, the head of  
15          each agency listed in section 901(b)(1) or 901(b)(2)  
16          of title 31 shall ensure that the Chief Information  
17          Officer of the agency has the authority necessary to  
18          approve the hiring of personnel who will have infor-  
19          mation technology responsibilities within the agency  
20          and to require that such personnel have the obliga-  
21          tion to report to the Chief Information Officer in a  
22          manner considered sufficient by the Chief Informa-  
23          tion Officer.”.

24          (c) SINGLE CHIEF INFORMATION OFFICER IN EACH  
25          AGENCY.—





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 guidelines and practices for infrastructure and com-  
13 mon information technology applications, including  
14 expansion of the Federal Enterprise Architecture  
15 process if appropriate. The guidelines and practices  
16 may address broader transparency, common inputs,  
17 common outputs, and outcomes achieved. The guide-  
18 lines 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) REFERENCES TO ADMINISTRATOR OF E-GOVERN-  
17 MENT AS FEDERAL CHIEF INFORMATION OFFICER.—

18 (1) REFERENCES.—Section 3602(b) of title 44,  
19 United States Code, is amended by adding at the  
20 end the following: “The Administrator may also be  
21 referred to as the Federal Chief Information Offi-  
22 cer.”.

23 (2) DEFINITION.—Section 3601(1) of such title  
24 is amended by inserting “or Federal Chief Informa-  
25 tion Officer” before “means”.

1 **SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY**  
2 **OFFICE.**

3 (a) **REQUIREMENT TO EXAMINE EFFECTIVENESS.—**  
4 The Comptroller General of the United States shall exam-  
5 ine the effectiveness of the Chief Information Officers  
6 Council in meeting its responsibilities under section  
7 3603(d) of title 44, United States Code, as added by sec-  
8 tion 5102, with particular focus on whether agencies are  
9 actively participating in the Council and heeding the  
10 Council’s advice and guidance.

11 (b) **REPORTS.—**Not later than 1 year, 3 years, and  
12 5 years after the date of the enactment of this Act, the  
13 Comptroller General shall submit to the relevant congres-  
14 sional committees a report containing the findings and  
15 recommendations of the Comptroller General from the ex-  
16 amination required by subsection (a).

17 **TITLE LII—DATA CENTER**  
18 **OPTIMIZATION**

19 **SEC. 5201. PURPOSE.**

20 The purpose of this title is to optimize Federal data  
21 center usage and efficiency.

22 **SEC. 5202. DEFINITIONS.**

23 In this title:

24 (1) **FEDERAL DATA CENTER OPTIMIZATION INI-**  
25 **TIATIVE.—**The term “Federal Data Center Optimi-  
26 zation Initiative” or the “Initiative” means the ini-

1 initiative developed and implemented by the Director,  
2 through the Federal Chief Information Officer, as  
3 required under section 5203.

4 (2) COVERED AGENCY.—The term “covered  
5 agency” means any agency included in the Federal  
6 Data Center Optimization Initiative.

7 (3) DATA CENTER.—The term “data center”  
8 means a closet, room, floor, or building for the stor-  
9 age, management, and dissemination of data and in-  
10 formation, as defined by the Federal Chief Informa-  
11 tion Officer under guidance issued pursuant to this  
12 section.

13 (4) FEDERAL DATA CENTER.—The term “Fed-  
14 eral data center” means any data center of a cov-  
15 ered agency used or operated by a covered agency,  
16 by a contractor of a covered agency, or by another  
17 organization on behalf of a covered agency.

18 (5) SERVER UTILIZATION.—The term “server  
19 utilization” refers to the activity level of a server re-  
20 lative to its maximum activity level, expressed as a  
21 percentage.

22 (6) POWER USAGE EFFECTIVENESS.—The term  
23 “power usage effectiveness” means the ratio ob-  
24 tained by dividing the total amount of electricity and  
25 other power consumed in running a data center by

1 the power consumed by the information and commu-  
2 nications technology in the data center.

3 **SEC. 5203. FEDERAL DATA CENTER OPTIMIZATION INITIA-**  
4 **TIVE.**

5 (a) REQUIREMENT FOR INITIATIVE.—The Federal  
6 Chief Information Officer, in consultation with the chief  
7 information officers of covered agencies, shall develop and  
8 implement an initiative, to be known as the Federal Data  
9 Center Optimization Initiative, to optimize the usage and  
10 efficiency of Federal data centers by meeting the require-  
11 ments of this division and taking additional measures, as  
12 appropriate.

13 (b) REQUIREMENT FOR PLAN.—Within 6 months  
14 after the date of the enactment of this Act, the Federal  
15 Chief Information Officer, in consultation with the chief  
16 information officers of covered agencies, shall develop and  
17 submit to Congress a plan for implementation of the Ini-  
18 tiative required by subsection (a) by each covered agency.  
19 In developing the plan, the Federal Chief Information Of-  
20 ficer shall take into account the findings and recommenda-  
21 tions of the Comptroller General review required by sec-  
22 tion 5205(e).

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

24 (1) descriptions of how covered agencies will  
25 use reductions in floor space, energy use, infrastruc-

1        ture, equipment, applications, personnel, increases in  
2        multiorganizational use, server virtualization, cloud  
3        computing, and other appropriate methods to meet  
4        the requirements of the initiative; and

5            (2) appropriate consideration of shifting Feder-  
6        ally owned data center workload to commercially  
7        owned data centers.

8        **SEC. 5204. PERFORMANCE REQUIREMENTS RELATED TO**  
9                            **DATA CENTER CONSOLIDATION.**

10        (a) **SERVER UTILIZATION.**—Each covered agency  
11        may use the following methods to achieve the maximum  
12        server utilization possible as determined by the Federal  
13        Chief Information Officer:

14            (1) The closing of existing data centers that  
15        lack adequate server utilization, as determined by  
16        the Federal Chief Information Officer. If the agency  
17        fails to close such data centers, the agency shall pro-  
18        vide a detailed explanation as to why this data cen-  
19        ter should remain in use as part of the submitted  
20        plan. The Federal Chief Information Officer shall in-  
21        clude an assessment of the agency explanation in the  
22        annual report to Congress.

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

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

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

9           (1) The use of the measurement of power usage  
10 effectiveness to calculate data center energy effi-  
11 ciency.

12           (2) The use of power meters in facilities dedi-  
13 cated to data center operations to frequently meas-  
14 ure power consumption over time.

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

17           (4) The adoption of best practices for man-  
18 aging—

19                   (A) temperature and airflow in facilities  
20 dedicated to data center operations; and

21                   (B) power supply efficiency.

22           (5) The implementation of any other method  
23 that the Federal Chief Information Officer, in con-  
24 sultation with the Chief Information Officers of cov-

1           ered agencies, determines necessary to optimize data  
2           center energy efficiency.

3   **SEC. 5205. COST SAVINGS RELATED TO DATA CENTER OPTI-**  
4                                   **MIZATION.**

5           (a) REQUIREMENT TO TRACK COSTS.—

6                   (1) IN GENERAL.—Each covered agency shall  
7           track costs resulting from implementation of the  
8           Federal Data Center Optimization Initiative within  
9           the agency and submit a report on those costs annu-  
10          ally to the Federal Chief Information Officer. Cov-  
11          ered agencies shall determine the net costs from  
12          data consolidation on an annual basis.

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

16                           (A) Energy costs.

17                           (B) Personnel costs.

18                           (C) Real estate costs.

19                           (D) Capital expense costs.

20                           (E) Maintenance and support costs such as  
21          operating subsystem, database, hardware, and  
22          software license expense costs.

23                           (F) Other appropriate costs, as determined  
24          by the agency in consultation with the Federal  
25          Chief Information Officer.



1 (b) REQUIREMENT TO TRACK SAVINGS.—

2 (1) IN GENERAL.—Each covered agency shall  
3 track realized and projected savings resulting from  
4 implementation of the Federal Data Center Optimi-  
5 zation Initiative within the agency and submit a re-  
6 port on those savings annually to the Federal Chief  
7 Information Officer. Covered agencies shall deter-  
8 mine the net savings from data consolidation on an  
9 annual basis.

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

13 (A) Energy savings.

14 (B) Personnel savings.

15 (C) Real estate savings.

16 (D) Capital expense savings.

17 (E) Maintenance and support savings such  
18 as operating subsystem, database, hardware,  
19 and 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 (3) PUBLIC AVAILABILITY.—The Federal Chief  
24 Information Officer shall make publicly available a  
25 summary of realized and projected savings for each

1 covered agency. The Federal Chief Information Offi-  
2 cer shall identify any covered agency that failed to  
3 provide the annual report required under paragraph  
4 (1).

5 (c) REQUIREMENT TO USE COST-EFFECTIVE MEAS-  
6 URES.—Covered agencies shall use the most cost-effective  
7 measures to implement the Federal Data Center Optimi-  
8 zation Initiative, such as using estimation to measure or  
9 track costs and savings using a methodology approved by  
10 the Federal Chief Information Officer.

11 (d) GOVERNMENT ACCOUNTABILITY OFFICE RE-  
12 VIEW.—Not later than 6 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. 5206. REPORTING REQUIREMENTS TO CONGRESS AND**  
22 **THE FEDERAL CHIEF INFORMATION OFFI-**  
23 **CER.**

24 (a) AGENCY REQUIREMENT TO REPORT TO CIO.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), each covered agency each year shall sub-  
3           mit to the Federal Chief Information Officer a re-  
4           port on the implementation of the Federal Data  
5           Center Optimization Initiative, including savings re-  
6           sulting from such implementation. The report shall  
7           include an update of the agency’s plan for imple-  
8           menting the Initiative.

9           (2) DEPARTMENT OF DEFENSE.—The Sec-  
10          retary of Defense shall comply with paragraph (1)  
11          each year by submitting to the Federal Chief Infor-  
12          mation Officer a report with relevant information  
13          collected under section 2867 of Public Law 112–81  
14          (10 U.S.C. 2223a note) or a copy of the report re-  
15          quired under section 2867(d) of such law.

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

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

5 **SEC. 5301. INVENTORY OF INFORMATION TECHNOLOGY**  
6 **SOFTWARE ASSETS.**

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

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

12 (1) The manner in which Federal agencies can  
13 achieve the greatest possible economies of scale and  
14 cost savings in the procurement of information tech-  
15 nology software assets, through measures such as re-  
16 ducing the procurement of new software licenses  
17 until such time as agency needs exceed the number  
18 of existing and unused licenses.

19 (2) The capability to conduct ongoing Govern-  
20 mentwide inventories of all existing software licenses  
21 on an application-by-application basis, including du-  
22 plicative, unused, overused, and underused licenses,  
23 and to assess the need of agencies for software li-  
24 censes.

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

7           (c) AVAILABILITY.—The inventory of information  
8           technology software assets shall be available to Chief In-  
9           formation Officers and such other Federal officials as the  
10          Chief Information Officers may, in consultation with the  
11          Chief Information Officers Council, designate.

12          (d) DEADLINE AND SUBMISSION TO CONGRESS.—  
13          Not later than 180 days after the date of the enactment  
14          of this Act, the Director shall complete and submit to Con-  
15          gress the plan required by subsection (a).

16          (e) IMPLEMENTATION.—Not later than two years  
17          after the date of the enactment of this Act, the Director  
18          shall complete implementation of the plan required by sub-  
19          section (a).

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

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

2 (a) WEBSITE CONSOLIDATION.—The Director  
3 shall—

4 (1) in consultation with Federal agencies, and  
5 after reviewing the directory of public Federal Gov-  
6 ernment websites of each agency (as required to be  
7 established and updated under section 207(f)(3) of  
8 the E-Government Act of 2002 (Public Law 107–  
9 347; 44 U.S.C. 3501 note)), assess all the publicly  
10 available websites of Federal agencies to determine  
11 whether there are duplicative or overlapping  
12 websites; and

13 (2) require Federal agencies to eliminate or  
14 consolidate those websites that are duplicative or  
15 overlapping.

16 (b) WEBSITE TRANSPARENCY.—The Director shall  
17 issue guidance to Federal agencies to ensure that the data  
18 on publicly available websites of the agencies are open and  
19 accessible to the public.

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

22 (1) develop guidelines, standards, and best  
23 practices for interoperability and transparency;

24 (2) identify interfaces that provide for shared,  
25 open solutions on the publicly available websites of  
26 the agencies; and

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

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

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

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

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

21          (c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-  
22          TION.—In transitioning to the cloud, a Chief Information  
23          Officer of an agency listed in section 901(b) of title 31,  
24          United States Code, may establish such cloud service  
25          Working Capital Funds, in consultation with the Chief Fi-

1 nancial Officer of the agency, as may be necessary to tran-  
2 sition to cloud-based solutions. Any establishment of a new  
3 Working Capital Fund under this subsection shall be re-  
4 ported to the Committees on Appropriations of the House  
5 of Representatives and the Senate and relevant Congres-  
6 sional committees.

7 **SEC. 5304. ELIMINATION OF UNNECESSARY DUPLICATION**  
8 **OF CONTRACTS BY REQUIRING BUSINESS**  
9 **CASE ANALYSIS.**

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

14 (b) REQUIREMENT FOR BUSINESS CASE AP-  
15 PROVAL.—

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

19 **“§ 3312. Requirement for business case approval for**  
20 **new Governmentwide contracts**

21 “(a) IN GENERAL.—An executive agency may not  
22 issue a solicitation for a covered Governmentwide contract  
23 unless the agency performs a business case analysis for  
24 the contract and obtains an approval of the business case



1 analysis from the Administrator for Federal Procurement  
2 Policy.

3 “(b) REVIEW OF BUSINESS CASE ANALYSIS.—

4 “(1) IN GENERAL.—With respect to any cov-  
5 ered Governmentwide contract, the Administrator  
6 for Federal Procurement Policy shall review the  
7 business case analysis submitted for the contract  
8 and provide an approval or disapproval within 60  
9 days after the date of submission. Any business case  
10 analysis not disapproved within such 60-day period  
11 is deemed to be approved.

12 “(2) BASIS FOR APPROVAL OF BUSINESS  
13 CASE.—The Administrator for Federal Procurement  
14 Policy shall approve or disapprove a business case  
15 analysis based on the adequacy of the analysis sub-  
16 mitted. The Administrator shall give primary consid-  
17 eration to whether an agency has demonstrated a  
18 compelling need that cannot be satisfied by existing  
19 Governmentwide contract in a timely and cost-effec-  
20 tive manner.

21 “(c) CONTENT OF BUSINESS CASE ANALYSIS.—The  
22 Administrator for Federal Procurement Policy shall issue  
23 guidance specifying the content for a business case anal-  
24 ysis submitted pursuant to this section. At a minimum,  
25 the business case analysis shall include details on the ad-

1 ministrative resources needed for such contract, including  
2 an analysis of all direct and indirect costs to the Federal  
3 Government of awarding and administering such contract  
4 and the impact such contract will have on the ability of  
5 the Federal Government to leverage its purchasing power.

6 “(b) DEFINITIONS.—In this section:

7 “(1) COVERED GOVERNMENTWIDE CON-  
8 TRACT.—The term ‘covered Governmentwide con-  
9 tract’ means any contract, blanket purchase agree-  
10 ment, or other contractual instrument for acquisition  
11 of information technology or other goods or services  
12 that allows for an indefinite number of orders to be  
13 placed under the contract, agreement, or instrument,  
14 and that is established by one executive agency for  
15 use by multiple executive agencies to obtain goods or  
16 services. The term does not include—

17 “(A) a multiple award schedule contract  
18 awarded by the General Services Administra-  
19 tion;

20 “(B) a Governmentwide acquisition con-  
21 tract for information technology awarded pursu-  
22 ant to sections 11302(e) and 11314(a)(2) of  
23 title 40;

1           “(C) orders under Governmentwide con-  
2           tracts in existence before the effective date of  
3           this section; or

4           “(D) any contract in an amount less than  
5           \$10,000,000, determined on an average annual  
6           basis.

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

10          (2) CLERICAL AMENDMENT.—The table of sec-  
11          tions for chapter 33 of title 41, United States Code,  
12          is amended by adding after the item relating to sec-  
13          tion 3311 the following new item:

          “3312. Requirement for business case approval for new Governmentwide con-  
          tracts.”.

14          (c) REPORT.—Not later than June 1 in each of the  
15          next 6 years following the date of the enactment of this  
16          Act, the Administrator for Federal Procurement Policy  
17          shall submit to the relevant congressional committees a  
18          report on the implementation of section 3312 of title 41,  
19          United States Code, as added by subsection (b), including  
20          a summary of the submissions, reviews, approvals, and  
21          disapprovals of business case analyses pursuant to such  
22          section.

1 (d) GUIDANCE.—The Administrator for Federal Pro-  
2 curement Policy shall issue guidance for implementing sec-  
3 tion 3312 of such title.

4 (e) REVISION OF FAR.—Not later than 180 days  
5 after the date of the enactment of this Act, the Federal  
6 Acquisition Regulation shall be amended to implement sec-  
7 tion 3312 of such title.

8 (g) EFFECTIVE DATE.—Section 3312 of such title is  
9 effective on and after 180 days after the date of the enact-  
10 ment of this Act.

11 **TITLE LIV—STRENGTHENING IT**  
12 **ACQUISITION WORKFORCE**

13 **SEC. 5411. EXPANSION OF TRAINING AND USE OF INFORMA-**  
14 **TION TECHNOLOGY ACQUISITION CADRES.**

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

21 (b) REPORT TO CONGRESS.—Section 1704 of title  
22 41, United States Code, is amended by adding at the end  
23 the following new subsection:

24 “(j) STRATEGIC PLAN ON INFORMATION TECH-  
25 NOLOGY ACQUISITION CADRES.—

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

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

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

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

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

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

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

22           “(F) New and innovative approaches to  
23 workforce development and training, including  
24 cross-functional training, rotational develop-

1           ment, and assignments both within and outside  
2           the Government.

3           “(G) Appropriate consideration and align-  
4           ment with the needs and priorities of the acqui-  
5           sition intern programs.

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

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

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

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

24          “(L) Proper assignment of recognition or  
25          accountability to the members of an integrated

1 program team for both individual functional  
2 goals and overall program success or failure.

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

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

19 “(O) The use of student internship and  
20 scholarship programs as a talent pool for per-  
21 manent hires and the use and impact of special  
22 hiring authorities and flexibilities to recruit di-  
23 verse candidates.

24 “(P) The assessment of hiring manager  
25 satisfaction with the hiring process and hiring



1 outcomes, including satisfaction with the quality  
2 of applicants interviewed and hires made.

3 “(Q) The assessment of applicant satisfac-  
4 tion with the hiring process, including the clar-  
5 ity of the hiring announcement, the user-friend-  
6 liness of the application process, communication  
7 from the hiring manager or agency regarding  
8 application status, and timeliness of the hiring  
9 decision.

10 “(R) The assessment of new hire satisfac-  
11 tion with the onboarding process, including the  
12 orientation process, and investment in training  
13 and development for employees during their  
14 first year of employment.

15 “(S) Any other matters the Director con-  
16 siders appropriate.

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

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

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

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

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

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

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

21           “(i) The Committee on Oversight and  
22 Government Reform and the Committee on  
23 Armed Services of the House of Represent-  
24 atives.

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

5 **SEC. 5412. PLAN ON STRENGTHENING PROGRAM AND**  
6 **PROJECT MANAGEMENT PERFORMANCE.**

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

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

16                   (1) Creation of a specialized career path for  
17 program management.

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

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

24                   (4) A career advancement model that is more  
25 competitive with the private sector and that recog-

1 nizes both Government and private sector experi-  
2 ence.

3 (c) COMBINATION WITH OTHER CADRES PLAN.—

4 The Director may combine the plan required by subsection  
5 (a) with the IT Acquisition Cadres Strategic Plan required  
6 under section 1704(j) of title 41, United States Code, as  
7 added by section 5411.

8 **SEC. 5413. PERSONNEL AWARDS FOR EXCELLENCE IN THE**  
9 **ACQUISITION OF INFORMATION SYSTEMS**  
10 **AND INFORMATION TECHNOLOGY.**

11 (a) IN GENERAL.—Not later than 180 days after the  
12 date of the enactment of this Act, the Director of the Of-  
13 fice of Personnel Management shall develop policy and  
14 guidance for agencies to develop a program to recognize  
15 excellent performance by Federal Government employees  
16 and teams of such employees in the acquisition of informa-  
17 tion systems and information technology for the agency.

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

20 (1) obtain objective outcome measures; and

21 (2) include procedures for—

22 (A) the nomination of Federal Government  
23 employees and teams of such employees for eli-  
24 gibility for recognition under the program; and

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

9 (c) AWARD OF CASH BONUSES AND OTHER INCEN-  
10 TIVES.—In carrying out the program referred to in sub-  
11 section (a), the Director of the Office of Personnel Man-  
12 agement, in consultation with the Director of the Office  
13 of Management and Budget, shall establish policies and  
14 guidance for agencies to reward any Federal Government  
15 employee or teams of such employees recognized pursuant  
16 to the program—

17 (1) with a cash bonus, to the extent that the  
18 performance of such individual or team warrants the  
19 award of such bonus and is authorized by any provi-  
20 sion of law;

21 (2) through promotions and other nonmonetary  
22 awards;

23 (3) by publicizing—

24 (A) acquisition accomplishments by indi-  
25 vidual employees; and

1 (B) the tangible end benefits that resulted  
2 from such accomplishments, as appropriate;  
3 and  
4 (4) through other awards, incentives, or bo-  
5 nuses that the head of the agency considers appro-  
6 priate.

## 7 **TITLE LV—ADDITIONAL** 8 **REFORMS**

### 9 **SEC. 5501. MAXIMIZING THE BENEFIT OF THE FEDERAL** 10 **STRATEGIC SOURCING INITIATIVE.**

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

1 **SEC. 5502. GOVERNMENTWIDE SOFTWARE PURCHASING**  
2 **PROGRAM.**

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

9 (b) EXAMINATION OF METHODS.—In developing the  
10 initiative under subsection (a), the Administrator shall ex-  
11 amine the use of realistic and effective demand aggrega-  
12 tion models supported by actual agency commitment to  
13 use the models, and supplier relationship management  
14 practices, to more effectively govern the Government's ac-  
15 quisition of information technology.

16 (c) GOVERNMENTWIDE USER LICENSE AGREE-  
17 MENT.—The Administrator, in developing the initiative  
18 under subsection (a), shall allow for the purchase of a li-  
19 cense agreement that is available for use by all executive  
20 agencies as one user to the maximum extent practicable  
21 and as appropriate.

22 **SEC. 5503. PROMOTING TRANSPARENCY OF BLANKET PUR-**  
23 **CHASE AGREEMENTS.**

24 (a) PRICE INFORMATION TO BE TREATED AS PUB-  
25 LIC INFORMATION.—The final negotiated price offered by

1 an awardee of a blanket purchase agreement shall be  
2 treated as public information.

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

12 **SEC. 5504. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**  
13 **SOLICITATIONS.**

14 Section 3306(d) of title 41, United States Code, is  
15 amended—

16 (1) by striking “or” at the end of paragraph  
17 (1);

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

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

22 “(3) stating in the solicitation that the award  
23 will be made using a fixed price technical competi-  
24 tion, under which all offerors compete solely on



1 nonprice factors and the fixed award price is pre-an-  
2 nounced in the solicitation.”.

3 **SEC. 5505. ENHANCED TRANSPARENCY IN INFORMATION**  
4 **TECHNOLOGY INVESTMENTS.**

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

8 (1) by redesignating paragraph (2) as para-  
9 graph (3); and

10 (2) by inserting after paragraph (1) the fol-  
11 lowing new paragraph:

12 “(2) PUBLIC AVAILABILITY.—

13 “(A) IN GENERAL.—The Director shall  
14 make available to the public the cost, schedule,  
15 and performance data for all of the IT invest-  
16 ments listed in subparagraph (B), notwith-  
17 standing whether the investments are for new  
18 IT acquisitions or for operations and mainte-  
19 nance of existing IT.

20 “(B) INVESTMENTS LISTED.—The invest-  
21 ments listed in this subparagraph are the fol-  
22 lowing:

23 “(i) At least 80 percent (by dollar  
24 value) of all information technology invest-  
25 ments Governmentwide.

1                   “(ii) At least 60 percent (by dollar  
2                   value) of all information technology invest-  
3                   ments in each Federal agency listed in sec-  
4                   tion 901(b) of title 31.

5                   “(iii) Every major information tech-  
6                   nology investment (as defined by the Office  
7                   of Management and Budget) in each Fed-  
8                   eral agency listed in section 901(b) of title  
9                   31.

10                  “(C) QUARTERLY REVIEW AND CERTIFI-  
11                  CATION.—For each investment listed in sub-  
12                  paragraph (B), the agency Chief Information  
13                  Officer and the program manager of the invest-  
14                  ment within the agency shall certify, at least  
15                  once every quarter, that the information is cur-  
16                  rent, accurate, and reflects the risks associated  
17                  with each listed investment. The Director shall  
18                  conduct quarterly reviews and publicly identify  
19                  agencies with an incomplete certification or  
20                  with significant data quality issues.

21                  “(D) CONTINUOUS AVAILABILITY.—The  
22                  information required under subparagraph (A),  
23                  in its most updated form, shall be publicly  
24                  available at all times.



1 aged to engage in responsible and constructive exchanges  
2 with industry, so long as those exchanges are consistent  
3 with existing law and regulation and do not promote an  
4 unfair competitive advantage to particular firms.

5 **SEC. 5507. CLARIFICATION OF CURRENT LAW WITH RE-**  
6 **SPECT TO TECHNOLOGY NEUTRALITY IN AC-**  
7 **QUISITION OF SOFTWARE.**

8 (a) **PURPOSE.**—The purpose of this section is to es-  
9 tablish guidance and processes to clarify that software ac-  
10 quisitions by the Federal Government are to be made  
11 using merit-based requirements development and evalua-  
12 tion processes that promote procurement choices—

13 (1) based on performance and value, including  
14 the long-term value proposition to the Federal Gov-  
15 ernment;

16 (2) free of preconceived preferences based on  
17 how technology is developed, licensed, or distributed;  
18 and

19 (3) generally including the consideration of pro-  
20 prietary, open source, and mixed source software  
21 technologies.

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) GUIDANCE.—Not later than 180 days after the  
4 date of the enactment of this Act, the Director, in con-  
5 sultation with the Chief Information Officers Council,  
6 shall issue guidance concerning the technology-neutral  
7 procurement and use of software within the Federal Gov-  
8 ernment.

9 (d) MATTERS COVERED.—In issuing guidance under  
10 subsection (c), the Director shall include, at a minimum,  
11 the following:

12 (1) Guidance to clarify that the preference for  
13 commercial items in section 3307 of title 41, United  
14 States Code, includes proprietary, open source, and  
15 mixed source software that meets the definition of  
16 the term “commercial item” in section 103 of title  
17 41, United States Code, including all such software  
18 that is used for non-Government purposes and is li-  
19 censed to the public.

20 (2) Guidance regarding the conduct of market  
21 research to ensure the inclusion of proprietary, open  
22 source, and mixed source software options.

23 (3) Guidance to define Governmentwide stand-  
24 ards for security, redistribution, indemnity, and  
25 copyright in the acquisition, use, release, and col-

1 laborative development of proprietary, open source,  
2 and mixed source software.

3 (4) Guidance for the adoption of available com-  
4 mercial practices to acquire proprietary, open source,  
5 and mixed source software for widespread Govern-  
6 ment use, including issues such as security and re-  
7 distribution rights.

8 (5) Guidance to establish standard service level  
9 agreements for maintenance and support for propri-  
10 etary, open source, and mixed source software prod-  
11 ucts widely adopted by the Government, as well as  
12 the development of Governmentwide agreements that  
13 contain standard and widely applicable contract pro-  
14 visions for ongoing maintenance and development of  
15 software.

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

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

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

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

4 **SEC. 5508. NO ADDITIONAL FUNDS AUTHORIZED.**

5           No additional funds are authorized to carry out the  
6 requirements of this division and the amendments made  
7 by this division. Such requirements shall be carried out  
8 using amounts otherwise authorized or appropriated.

