

116TH CONGRESS
2D SESSION

H. R. 7949

To direct the chief information officer of each agency to increase efforts to manage data centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2020

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

A BILL

To direct the chief information officer of each agency to increase efforts to manage data centers, 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 “Sensible Management
5 of Archives, Records, and Technologies Government Act”
6 or the “SMART Government Act”.

7 **SEC. 2. INCREASED MANAGEMENT OF DATA CENTERS AND**
8 **INVENTORY OF SOFTWARE.**

9 (a) DATA CENTER CONSOLIDATION AND OPTIMIZA-
10 TION.—

1 (1) STRATEGIC PLAN.—Not later than 6
2 months after the date of the enactment of this Act,
3 the chief information officer of each agency shall de-
4 velop and publish a strategic plan to consolidate and
5 optimize data centers at the agency. The strategic
6 plan shall include the following:

7 (A) Annual metrics to consolidate and op-
8 timize data center locations.

9 (B) An estimation of the annual costs re-
10 lated to the development and operation of data
11 centers at the agency.

12 (C) An estimation of the annual savings
13 related to implementing the strategic plan.

14 (2) ANNUAL UPDATE.—The chief information
15 officer of each agency shall annually update the plan
16 described in paragraph (1).

17 (3) CERTIFICATION.—Not later than 9 months
18 after the date of the enactment of this Act, and an-
19 nually thereafter, the inspector general of each agen-
20 cy shall submit to Congress a certification that the
21 agency has taken action to achieve the annual
22 metrics described in paragraph (1)(A).

23 (4) REPORT.—Not later than 9 months after
24 the date of the enactment of this Act, and annually
25 thereafter, the head of each agency shall submit to

1 Congress and the Director of the Office of Manage-
2 ment and Budget a report that includes—

3 (A) the certification described in para-
4 graph (3);

5 (B) if applicable, the reason that an an-
6 nual metric under paragraph (1)(A) was not
7 met in the previous fiscal year;

8 (C) the annual costs related to the develop-
9 ment and operation of data centers at each
10 agency, including any cost related to imple-
11 menting the strategic plan described in para-
12 graph (1); and

13 (D) the annual savings related to imple-
14 menting the strategic plan.

15 (b) SOFTWARE ASSET MANAGEMENT.—Not later
16 than 6 months after the date of the enactment of this Act,
17 the chief information officer of a covered entity shall in-
18 ventory software applications used in the information tech-
19 nology systems of the covered entity. With respect to each
20 application, the inventory shall include the following:

21 (1) Name.

22 (2) Description.

23 (3) Type.

24 (4) Owner.

25 (5) Support function.

1 (c) COMPLIANCE.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of law, including section 5318 of title 5,
4 United States Code, any chief information officer of
5 an agency that does not meet the requirements
6 under subsection (a)(1), (a)(2), or (b) may not re-
7 ceive an increase in the rate of pay until such re-
8 quirements are met.

9 (2) ENFORCEMENT.—The head of the applica-
10 ble agency shall ensure that the chief information of-
11 ficer described in paragraph (1) meets the provisions
12 under this subsection.

13 **SEC. 3. TRANSFER OF COPIES OF FEDERAL RECORDS.**

14 (a) TRANSFER.—

15 (1) IN GENERAL.—The head of each agency, in
16 coordination with the Archivist of the United States,
17 shall, to the extent practicable and in accordance
18 with this section—

19 (A) create copies of all records controlled
20 by the agency; and

21 (B) transfer such copies to a records cen-
22 ter maintained and operated by the Archivist.

23 (2) STANDARDS AND GUIDELINES.—Not later
24 than September 30, 2020, the Archivist shall—

1 (A) develop standards for the heads of
2 each agency to create copies of records under
3 paragraph (1)(A), including standards with re-
4 spect to determining whether the record from
5 which the copy was created is inactive, tem-
6 porary, or permanent;

7 (B) develop guidelines for the heads of
8 each agency to—

9 (i) store metadata with respect to cop-
10 ies of records under paragraph (1)(A); and

11 (ii) transfer such copies pursuant to
12 paragraph (1)(B); and

13 (C) make exemptions to the standards de-
14 veloped pursuant to subparagraph (A), taking
15 into consideration—

16 (i) any burden to the public;

17 (ii) costs; and

18 (iii) statutory, regulatory, and policy
19 barriers.

20 (3) INITIAL PHASE.—

21 (A) IN GENERAL.—Not later than Decem-
22 ber 31, 2020, the head of each agency shall
23 begin to transfer electronic copies of records,
24 including any metadata related to a record,
25 pursuant to paragraph (1)(B).

1 (B) ANALOG FORMAT DEADLINE.—After
2 December 31, 2020, each head of an agency
3 may not transfer a copy of a record that is in
4 an analog format to a records center main-
5 tained and operated by the Archivist.

6 (4) SECOND PHASE.—Not later than December
7 31, 2022, each head of an agency shall transfer—

8 (A) all copies of records to a records center
9 maintained and operated by the Archivist; and

10 (B) all copies of inactive and temporary
11 records exempt under paragraph (2)(C) to a
12 Federal records center or a commercial record
13 storage facility.

14 (b) PENALTY TO FEDERAL AGENCIES.—If, during
15 any fiscal year, an agency is not in compliance with the
16 requirements of this section, during the corresponding pe-
17 riod in the following fiscal year, the agency may not obli-
18 gate discretionary appropriations at a rate higher than the
19 rate of obligation for the applicable appropriations ac-
20 counts during the period of noncompliance in the previous
21 fiscal year.

22 (c) DESIGNATION OF RECORD MANAGEMENT OFFI-
23 CIAL.—

24 (1) IN GENERAL.—Section 3101 of title 44,
25 United States Code, is amended to read as follows:

1 **“§ 3101. Records management by agency heads; gen-**
2 **eral duties**

3 “(a) IN GENERAL.—The head of each Federal agency
4 shall make and preserve records containing adequate and
5 proper documentation of the organization, functions, poli-
6 cies, decisions, procedures, and essential transactions of
7 the agency and designed to furnish the information nec-
8 essary to protect the legal and financial rights of the Gov-
9 ernment and of persons directly affected by the agency’s
10 activities.

11 “(b) DESIGNATION OF RECORD MANAGEMENT OFFI-
12 CIAL.—To carry out subsection (a), the head of each Fed-
13 eral agency shall designate a senior official—

14 “(1) whose position is at the Assistant Sec-
15 retary-level or equivalent;

16 “(2) who shall carry out the duties under sub-
17 section (c); and

18 “(3) who has training in records management
19 certified by the Archivist to assist the official in car-
20 rying out the duties under this subsection.

21 “(c) DUTIES OF RECORD MANAGEMENT OFFICIAL.—
22 The duties of the senior official under subsection (b) shall
23 include the following:

24 “(1) Train employees of the Federal agency on
25 an annual basis on—

1 “(A) the responsibilities of each such em-
2 ployee with respect to the management of a
3 record; and

4 “(B) the laws, regulations, and policies of
5 the agency with respect to the management of
6 a record.

7 “(2) Ensure records under the control of such
8 agency are covered by a general records schedule
9 that is approved by the Archivist.

10 “(3) Ensure that each copy of a record trans-
11 ferred to a records center maintained and operated
12 by the Archivist is transferred in accordance with
13 any standard developed by the Archivist.”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by this section shall take effect on December 30,
16 2020.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) AGENCY.—The term “agency” has the
20 meaning given to that term under section 3502 of
21 title 44, United States Code.

22 (2) COVERED ENTITY.—The term “covered en-
23 tity” means the following:

24 (A) The Department of Agriculture.

25 (B) The Department of Commerce.

1 (C) The Department of Education.

2 (D) The Department of Energy.

3 (E) The Department of Health and
4 Human Services.

5 (F) The Department of Housing and
6 Urban Development.

7 (G) The Department of the Interior.

8 (H) The Department of Labor.

9 (I) The Department of State.

10 (J) The Department of Transportation.

11 (K) The Department of the Treasury.

12 (L) The Department of Veterans Affairs.

13 (M) The Social Security Administration.

14 (N) The Small Business Administration.

15 (O) The Environmental Protection Agency.

16 (P) The National Aeronautics and Space
17 Administration.

18 (Q) The Agency for International Develop-
19 ment.

20 (R) The Nuclear Regulatory Commission.

21 (S) The Office of Personnel Management.

22 (T) The National Science Foundation.

23 (3) INFORMATION TECHNOLOGY.—The term
24 “information technology” has the meaning given to

1 that term under section 11101 of title 40, United
2 States Code.

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