

117TH CONGRESS
2D SESSION

S. 4629

To amend the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 to modify requirements relating to data centers of certain Federal agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2022

Ms. ROSEN (for herself, Mr. CORNYN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 to modify requirements relating to data centers of certain Federal agencies, 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 Data Center
5 Enhancement Act of 2022”.

6 **SEC. 2. FEDERAL DATA CENTER CONSOLIDATION INITIA-**
7 **TIVE AMENDMENTS.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) The statutory authorization for the Federal
2 Data Center Optimization Initiative under section
3 834 of the Carl Levin and Howard P. “Buck”
4 McKeon National Defense Authorization Act for
5 Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law
6 113–291) expires at the end of fiscal year 2022.

7 (2) The expiration of the authorization de-
8 scribed in paragraph (1) presents Congress with an
9 opportunity to review the objectives of the Federal
10 Data Center Optimization Initiative to ensure that
11 the initiative is meeting the current needs of the
12 Federal Government.

13 (3) The initial focus of the Federal Data Center
14 Optimization Initiative, which was to consolidate
15 data centers and create new efficiencies, has resulted
16 in, since 2010—

17 (A) the consolidation of more than 6,000
18 Federal data centers; and

19 (B) cost savings and avoidance of
20 \$5,800,000,000.

21 (4) The need of the Federal Government for ac-
22 cess to data and data processing systems has evolved
23 since the date of enactment in 2014 of subtitle D of
24 title VIII of the Carl Levin and Howard P. “Buck”

1 McKeon National Defense Authorization Act for
2 Fiscal Year 2015.

3 (5) Federal agencies and employees involved in
4 mission critical functions increasingly need reliable
5 access to secure, reliable, sustainable, and protected
6 facilities to house mission critical data and data op-
7 erations to meet the immediate needs of the people
8 of the United States.

9 (6) As of the date of enactment of this Act,
10 there is a growing need for Federal agencies to use
11 data centers and cloud applications that meet high
12 standards for cybersecurity, resiliency, availability,
13 and sustainability.

14 (b) MINIMUM REQUIREMENTS FOR NEW DATA CEN-
15 TERS.—Section 834 of the Carl Levin and Howard P.
16 “Buck” McKeon National Defense Authorization Act for
17 Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–
18 291) is amended—

19 (1) in subsection (a), by striking paragraphs
20 (3) and (4) and inserting the following:

21 “(3) NEW DATA CENTER.—The term ‘new data
22 center’ means a—

23 “(A)(i) data center or a portion thereof
24 that is owned, operated, or maintained by a
25 covered agency; or

1 “(ii) to the extent practicable, a data cen-
2 ter or portion thereof—

3 “(I) that is owned, operated, or main-
4 tained by a contractor on behalf of a cov-
5 ered agency on the date on which the con-
6 tract between the covered agency and the
7 contractor expires; and

8 “(II) with respect to which the cov-
9 ered agency extends the contract, or enters
10 into a new contract, with the contractor;
11 and

12 “(B) on or after the date that is 180 days
13 after the date of enactment of the Federal Data
14 Center Enhancement Act of 2022 that is—

15 “(i) established; or

16 “(ii) substantially upgraded or ex-
17 panded.”;

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b) MINIMUM REQUIREMENTS FOR NEW DATA
21 CENTERS.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of the Federal Data
24 Center Enhancement Act of 2022, the Administrator
25 shall establish minimum requirements for new data

1 centers in consultation with the Administrator of
2 General Services and the Federal Chief Information
3 Officers Council.

4 “(2) CONTENTS.—

5 “(A) IN GENERAL.—The minimum re-
6 quirements established under paragraph (1)
7 shall include requirements relating to—

8 “(i) the availability of new data cen-
9 ters;

10 “(ii) the use of new data centers;

11 “(iii) the use of sustainable energy
12 sources;

13 “(iv) uptime percentage;

14 “(v) protections against power fail-
15 ures, including on-site energy generation
16 and access to multiple transmission paths;

17 “(vi) protections against physical in-
18 trusions and natural disasters;

19 “(vii) information security protections
20 required by subchapter II of chapter 35 of
21 title 44, United States Code, and other ap-
22 plicable law and policy; and

23 “(viii) any other requirements the Ad-
24 ministrator determines appropriate.

1 “(B) CONSULTATION.—In establishing the
2 requirements described in subparagraph
3 (A)(vii), the Administrator shall consult with
4 the Director of the Cybersecurity and Infra-
5 structure Security Agency and the National
6 Cyber Director.

7 “(3) USE OF EXISTING STANDARDS.—The Ad-
8 ministrator may incorporate the minimum require-
9 ments established under paragraph (1) into the ap-
10 propriate requirements of any agency data center ex-
11 isting as of the date of enactment of the Federal
12 Data Center Enhancement Act of 2022.

13 “(4) REVIEW OF STANDARDS.—The Adminis-
14 trator, in consultation with the Administrator of
15 General Services and the Federal Chief Information
16 Officers Council, shall review, update, and modify
17 the minimum requirements established under para-
18 graph (1), as necessary.

19 “(5) REPORT ON NEW DATA CENTERS.—During
20 the development and planning lifecycle of a new data
21 center, if the head of a covered agency determines
22 that the covered agency is likely to make a manage-
23 ment or financial decision relating to the new data
24 center, the head of the covered agency shall—

25 “(A) notify—

1 “(i) the Administrator;

2 “(ii) Committee on Homeland Security and Governmental Affairs of the Senate; and

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4
5 “(iii) Committee on Oversight and Reform of the House of Representatives; and

6
7 “(B) describe in the notification with sufficient detail how the covered agency intends to
8 comply with the minimum requirements established under paragraph (1).
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11 “(6) USE OF TECHNOLOGY.—In determining
12 whether to establish or continue to operate a data
13 center, the head of a covered agency shall—

14 “(A) regularly assess the application portfolio of the covered agency and ensure that each
15 legacy application is updated, replaced, or modernized, as appropriate, to take advantage of
16 modern technologies; and
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18

19 “(B) prioritize and, to the greatest extent possible, leverage commercial cloud environments rather than acquiring, overseeing, or
20 managing custom data center infrastructure.”;
21
22 and
23

24 (3) in subsection (c), by striking paragraph (1)
25 and inserting the following:

1 “(1) IN GENERAL.—The head of a covered
2 agency shall oversee and manage the data center
3 portfolio and the information technology strategy of
4 the covered agency in accordance with Federal cy-
5 bersecurity guidelines and directives, including—

6 “(A) information security standards and
7 guidelines promulgated by the Director of the
8 National Institute of Standards and Tech-
9 nology;

10 “(B) applicable provisions found within the
11 Federal Risk and Authorization Management
12 Program; and

13 “(C) directives issued by the Secretary of
14 Homeland Security under section 3553 of title
15 44, United States Code.”.

16 (c) EXTENSION OF SUNSET.—Section 834(e) of the
17 Carl Levin and Howard P. “Buck” McKeon National De-
18 fense Authorization Act for Fiscal Year 2015 (44 U.S.C.
19 3601 note; Public Law 113–291) is amended by striking
20 “2022” and inserting “2025”.

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