

Union Calendar No. 771

115TH CONGRESS
2^D SESSION

H. R. 6901

[Report No. 115-987]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2018

Mr. HURD (for himself, Ms. KELLY of Illinois, Mr. MEADOWS, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

OCTOBER 12, 2018

Additional sponsor: Mrs. LAWRENCE

OCTOBER 12, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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”.

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

8 (a) CHANGE OF CERTAIN NAMES IN CHAPTER 36 OF
9 TITLE 44.—

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

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraphs (2)
14 through (8) as paragraphs (1) through (7), re-
15 spectively; and

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

19 (2) OFFICE OF ELECTRONIC GOVERNMENT.—
20 Section 3602 of title 44, United States Code, is
21 amended—

22 (A) in the heading, by striking “**OFFICE**
23 **OF ELECTRONIC GOVERNMENT**” and insert-
24 ing “**OFFICE OF THE FEDERAL CHIEF IN-**
25 **FORMATION OFFICER**”;

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

4 (C) in subsection (b)—

5 (i) by striking “an Administrator”
6 and inserting “a Federal Chief Information
7 Officer”; and

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

11 (D) in subsection (c), by striking “The Ad-
12 ministrator” and inserting “The Federal Chief
13 Information Officer”;

14 (E) in subsection (d), by striking “The Ad-
15 ministrator” and inserting “The Federal Chief
16 Information Officer”;

17 (F) in subsection (e), by striking “The Ad-
18 ministrator” and inserting “The Federal Chief
19 Information Officer”;

20 (G) in subsection (f)—

21 (i) in the matter preceding paragraph
22 (1), by striking “the Administrator” and
23 inserting “the Federal Chief Information
24 Officer”;

1 (ii) in paragraph (5), by striking “E-
2 Government Fund” and inserting “Federal
3 IT Fund”;

4 (iii) in paragraph (16), by striking
5 “the Office of Electronic Government” and
6 inserting “the Office of the Federal Chief
7 Information Officer”; and

8 (iv) by adding at the end the following
9 new paragraph:

10 “(18) Oversee the Federal Chief Information
11 Security Officer.”; and

12 (H) in subsection (g), by striking “the Of-
13 fice of Electronic Government” and inserting
14 “the Office of the Federal Chief Information
15 Officer”.

16 (3) CHIEF INFORMATION OFFICERS COUNCIL.—
17 Section 3603 of title 44, United States Code, is
18 amended—

19 (A) in subsection (b)(2), by striking “The
20 Administrator of the Office of Electronic Gov-
21 ernment” and inserting “The Federal Chief In-
22 formation Officer”;

23 (B) in subsection (c)(1), by striking “The
24 Administrator of the Office of Electronic Gov-

1 ernment” and inserting “The Federal Chief In-
2 formation Officer”; and

3 (C) in subsection (f)—

4 (i) in paragraph (3), by striking “the
5 Administrator” and inserting “the Federal
6 Chief Information Officer”; and

7 (ii) in paragraph (5), by striking “the
8 Administrator” and inserting “the Federal
9 Chief Information Officer”.

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

12 (A) in the heading, by striking “**E-GOV-**
13 **ERNMENT FUND**” and inserting “**FEDERAL**
14 **IT FUND**”;

15 (B) in subsection (a)—

16 (i) in paragraph (1), by striking “E-
17 Government Fund” and inserting “Federal
18 IT Fund”; and

19 (ii) in paragraph (2), by striking “the
20 Administrator of the Office of Electronic
21 Government” and inserting “the Federal
22 Chief Information Officer”;

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

1 (D) in subsection (c), by striking “the Ad-
2 ministrator” and inserting “the Federal Chief
3 Information Officer”.

4 (5) PROGRAM TO ENCOURAGE INNOVATIVE SO-
5 LUTIONS TO ENHANCE ELECTRONIC GOVERNMENT
6 SERVICES AND PROCESSES.—Section 3605 of title
7 44, United States Code, is amended—

8 (A) in subsection (a), by striking “The Ad-
9 ministrator” and inserting “The Federal Chief
10 Information Officer”;

11 (B) in subsection (b), by striking “, the
12 Administrator,” and inserting “, the Federal
13 Chief Information Officer,”; and

14 (C) in subsection (c)—

15 (i) in paragraph (1)—

16 (I) by striking “The Adminis-
17 trator” and inserting “The Federal
18 Chief Information Officer”; and

19 (II) by striking “proposals sub-
20 mitted to the Administrator” and in-
21 serting “proposals submitted to the
22 Federal Chief Information Officer”;

23 (ii) in paragraph (2)(B), by striking
24 “the Administrator” and inserting “the
25 Federal Chief Information Officer”; and

1 (iii) in paragraph (4)—

2 (I) by striking “the Adminis-
3 trator” and inserting “the Federal
4 Chief Information Officer”; and

5 (II) by striking “E–Government
6 Fund” and inserting “Federal IT
7 Fund”.

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

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

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

21 (7) TREATMENT OF INCUMBENT.—The indi-
22 vidual serving as the Administrator of the Office of
23 Electronic Government under section 3602 of title
24 44, United States Code, as of the date of the enact-
25 ment of this Act, may continue to serve as the Fed-

1 eral Chief Information Officer commencing as of
2 that date, without further appointment under such
3 section.

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

9 (9) TECHNICAL AND CONFORMING AMEND-
10 MENTS.—

11 (A) TABLE OF SECTIONS FOR CHAPTER 36
12 OF TITLE 44.—The table of sections for chapter
13 36 of title 44, United States Code, is amend-
14 ed—

15 (i) by striking the item relating to sec-
16 tion 3602 and inserting the following new
17 item:

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

18 (ii) by striking the item relating to
19 section 3604 and inserting the following
20 new item:

“3604. Federal IT Fund.”;

21 and

22 (iii) in the item relating to section
23 3606, by striking “E–Government” and in-
24 serting “Annual”.

1 (B) PRESIDENTIAL INNOVATION FELLOWS
2 PROGRAM ADVISORY BOARD.—Section
3 3172(b)(3) of title 5, United States Code, is
4 amended by striking “the Administrator of the
5 Office of Electronic Government of the Office of
6 Management and Budget” and inserting “the
7 Federal Chief Information Officer”.

8 (C) POSITIONS AT LEVEL III.—Section
9 5314 of title 5, United States Code, is amended
10 by striking “Administrator of the Office of
11 Electronic Government” and inserting “Federal
12 Chief Information Officer”.

13 (D) TABLE OF SECTIONS FOR CHAPTER 5
14 OF TITLE 31.—The table of sections for chapter
15 5 of subtitle I of title 31, United States Code,
16 is amended by striking the item relating to sec-
17 tion 507 and inserting the following new item:

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

18 (E) OFFICE OF ELECTRONIC GOVERN-
19 MENT.—Section 507 of title 31, United States
20 Code, is amended—

21 (i) in the heading, by striking “**OF-**
22 **FICE OF ELECTRONIC GOVERNMENT**”
23 and inserting “**OFFICE OF THE FED-**
24 **ERAL CHIEF INFORMATION OFFICER**”;
25 and

1 (ii) by striking “The Office of Elec-
2 tronic Government” and inserting “The
3 Office of the Federal Chief Information
4 Officer”.

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

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

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

24 (I) RESOURCES, PLANNING, AND PORT-
25 FOLIO MANAGEMENT.—Section 11319(d) of

1 title 40, United States Code, is amended by
2 striking “Administrator of the Office of Elec-
3 tronic Government” each place it appears and
4 inserting “Federal Chief Information Officer”.

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

12 (b) ESTABLISHMENT OF CHIEF INFORMATION SECU-
13 RITY OFFICER AND REPORT ON IT EXPENDITURES.—

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

17 **“§ 3607. Federal Chief Information Security Officer**

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

21 “(1) be appointed by the President;

22 “(2) be within the Office of the Federal Chief
23 Information Officer; and

24 “(3) report directly to the Federal Chief Infor-
25 mation Officer.

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

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

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

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

13 **“§ 3608. Technology investment planning and over-
14 sight process**

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

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

22 “(1) use a widely accepted industry standard
23 taxonomy with common data elements and defini-
24 tions; and

1 “(2) display, on a website accessible to the pub-
2 lic, timely, searchable, computer-readable data on
3 the information technology expenditures, projects,
4 and programs of agencies, if such information would
5 otherwise be subject to public disclosure under sec-
6 tion 552 of title 5, commonly known as the Freedom
7 of Information Act.”.

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

“3607. Federal Chief Information Security Officer.

“3608. Technology investment planning and oversight process.”.

12 (3) DEADLINE.—Not later than 180 days after
13 the date of the enactment of this Act, the Director
14 shall establish the process described in section
15 3608(b) of title 44, United States Code, as added by
16 paragraph (1).

17 (4) REPORT TO CONGRESS.—Not later than
18 120 days after the date of the enactment of this Act,
19 the Federal Chief Information Officer shall submit
20 to the Committee on Oversight and Government Re-
21 form of the House of Representatives and the Com-
22 mittee on Homeland Security and Governmental Af-
23 fairs of the Senate a report on the status of estab-
24 lishing the process described in section 3608(b) of

1 title 44, United States Code, as added by paragraph
2 (1).

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

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Federal Chief Information Officer
6 shall submit to Congress a proposal for consolidating in-
7 formation technology across the Federal Government, es-
8 pecially among Federal agencies not referred to under sec-
9 tion 901(b) of title 31, United States Code, and increasing
10 the use of shared services, including any recommendations
11 for legislative changes that may be necessary to effect the
12 proposal.

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