

117TH CONGRESS
1ST SESSION

H. R. 4867

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

JULY 30, 2021

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 “Data Centers and Gov-
5 ernment Records Oversight Act”.

6 **SEC. 2. INCREASED MANAGEMENT OF DATA CENTERS.**

7 (a) DATA CENTER CONSOLIDATION AND OPTIMIZA-
8 TION.—

9 (1) STRATEGIC PLAN.—Not later than 6
10 months after the date of the enactment of this Act,

1 the chief information officer of each agency shall de-
2 velop and publish a strategic plan to consolidate and
3 optimize data centers at the agency. The strategic
4 plan shall include the following:

5 (A) Metrics to consolidate and optimize
6 data center locations or transition to the cloud.

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

10 (C) An estimation of the annual savings
11 related to implementing the strategic plan.

12 (2) TWO YEAR UPDATE.—Not later than 2
13 years after the date on which the plan is published
14 pursuant to paragraph (1), the chief information of-
15 ficer of each agency shall update such plan.

16 (3) CERTIFICATION.—Not later than 9 months
17 after the date of the enactment of this Act, and 2
18 years thereafter, the inspector general of each agen-
19 cy shall submit to Congress a certification that de-
20 scribes whether the agency has taken action to
21 achieve the annual metrics described in paragraph
22 (1)(A).

23 (4) REPORT.—Not later than 2 years after the
24 date of the enactment of this Act, and 2 years there-
25 after, the head of each agency shall submit to Con-

gress and the Director of the Office of Management and Budget a report that includes—

(A) the certification described in paragraph (3);

(B) if applicable, the reason that an annual metric under paragraph (1)(A) was not previously met;

(C) the costs related to the development and operation of data centers at each agency, including any cost related to implementing the strategic plan described in paragraph (1); and

(D) the savings related to implementing the strategic plan.

(b) COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including section 5318 of title 5, United States Code, any chief information officer of an agency that does not meet the requirements under paragraph (1) or (2) of subsection (a) may not receive any increase in the rate of pay until such requirements are met.

(2) ENFORCEMENT.—The head of the applicable agency shall ensure that the chief information officer described in paragraph (1) meets the provisions under this subsection.

1 (c) AGENCY DEFINED.—In this section, the term
 2 “agency” has the meaning given to that term under sec-
 3 tion 3502 of title 44, United States Code.

4 **SEC. 3. RECORDS MANAGEMENT BY FEDERAL AGENCIES.**

5 (a) TRANSFER OF RECORDS.—Section 3103 of title
 6 44, United States Code, is amended—

7 (1) by striking “When” and inserting “(A) IN
 8 GENERAL. When”; and

9 (2) by adding at the end the following new sub-
 10 sections:

11 “(b) TRANSFER.—

12 “(1) IN GENERAL.—The head of each Federal
 13 agency, in coordination with the Archivist of the
 14 United States, shall, to the extent practicable and in
 15 accordance with this section—

16 “(A) create copies of all records controlled
 17 by the Federal agency; and

18 “(B) transfer such copies to a records cen-
 19 ter maintained and operated by the Archivist.

20 “(2) STANDARDS AND GUIDELINES.—Not later
 21 than 3 months after the date of the enactment of
 22 this subsection, the Archivist shall—

23 “(A) develop standards for the heads of
 24 each Federal agency to create copies of records
 25 under paragraph (1)(A), including standards

1 with respect to determining whether the record
2 from which the copy was created is inactive,
3 temporary, or permanent;

4 “(B) develop guidelines for the heads of
5 each Federal agency to—

6 “(i) store metadata with respect to
7 copies of records under paragraph (1)(A);
8 and

9 “(ii) transfer such copies pursuant to
10 paragraph (1)(B); and

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

14 “(i) any burden to the public;

15 “(ii) costs; and

16 “(iii) statutory, regulatory, and policy
17 barriers.

18 “(3) INITIAL PHASE.—

19 “(A) IN GENERAL.—Not later than 6
20 months after the date of the enactment of this
21 Act, the head of each Federal agency shall
22 begin to transfer electronic copies of records,
23 including any metadata related to a record,
24 pursuant to paragraph (1)(B).

1 “(B) ANALOG FORMAT DEADLINE.—After
2 the date on which the records have begun to be
3 transferred pursuant to subparagraph (A) the
4 head of each Federal agency may not transfer
5 a copy of a record that is in an analog format
6 to a records center maintained and operated by
7 the Archivist.

8 “(4) SECOND PHASE.—Not later than 2 years
9 after the date on which the records have begun to
10 be transferred pursuant to subparagraph (A), the
11 head of each Federal agency shall transfer—

12 “(A) all copies of records to a records cen-
13 ter maintained and operated by the Archivist;
14 and

15 “(B) all copies of inactive and temporary
16 records exempt under paragraph (2)(C) to a
17 Federal records center or a commercial record
18 storage facility.

19 “(c) PENALTY TO FEDERAL AGENCIES.—If, during
20 any fiscal year, a Federal agency is not in compliance with
21 the requirements of this section, during the corresponding
22 period in the following fiscal year, the Federal agency may
23 not obligate discretionary appropriations at a rate higher
24 than the rate of obligation for the applicable appropria-

1 tions accounts during the period of noncompliance in the
 2 previous fiscal year.”.

3 (b) DESIGNATION OF RECORD MANAGEMENT OFFI-
 4 CIAL.—

5 (1) AMENDMENTS.—Section 3101 of title 44,
 6 United States Code, is amended—

7 (A) by striking “The head” and inserting
 8 “(A) IN GENERAL. The head”; and

9 (B) by adding at the end the following new
 10 subsections:

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) APPLICABILITY.—The amendments made
15 by this subsection shall take effect 6 months after
16 the date of the enactment of this Act.

○