

116TH CONGRESS  
1ST SESSION

# H. R. 247

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IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal CIO Author-  
3 ization Act of 2019”.

4 **SEC. 2. CHANGES RELATING TO ELECTRONIC GOVERN-**  
5 **MENT SERVICES.**

6 (a) CHANGE OF CERTAIN NAMES IN CHAPTER 36 OF  
7 TITLE 44.—

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

10 (A) by striking paragraph (1);

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

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

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

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

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

1 (C) in subsection (b)—

2 (i) by striking “an Administrator”  
3 and inserting “a Federal Chief Information  
4 Officer”; and

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

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

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

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

17 (G) in subsection (f)—

18 (i) in the matter preceding paragraph  
19 (1), by striking “the Administrator” and  
20 inserting “the Federal Chief Information  
21 Officer”;

22 (ii) in paragraph (5), by striking “E-  
23 Government Fund” and inserting “Federal  
24 IT Fund”;

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

5 (iv) by adding at the end the following  
6 new paragraph:

7 “(18) Oversee the Federal Chief Information  
8 Security Officer.”; and

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

13 (3) CHIEF INFORMATION OFFICERS COUNCIL.—  
14 Section 3603 of title 44, United States Code, is  
15 amended—

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

20 (B) in subsection (c)(1), by striking “The  
21 Administrator of the Office of Electronic Gov-  
22 ernment” and inserting “The Federal Chief In-  
23 formation Officer”; and

24 (C) in subsection (f)—

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

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

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

9 (A) in the heading, by striking “**E-GOV-**  
10 **ERNMENT FUND**” and inserting “**FEDERAL**  
11 **IT FUND**”;

12 (B) in subsection (a)—

13 (i) in paragraph (1), by striking “E-  
14 Government Fund” and inserting “Federal  
15 IT Fund”; and

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

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

23 (D) in subsection (c), by striking “the Ad-  
24 ministrator” and inserting “the Federal Chief  
25 Information Officer”.

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

5                   (A) in subsection (a), by striking “The Ad-  
6                   ministrator” and inserting “The Federal Chief  
7                   Information Officer”;

8                   (B) in subsection (b), by striking “, the  
9                   Administrator,” and inserting “, the Federal  
10                  Chief Information Officer,”; and

11                  (C) in subsection (c)—

12                          (i) in paragraph (1)—

13                                  (I) by striking “The Adminis-  
14                                  trator” and inserting “The Federal  
15                                  Chief Information Officer”; and

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

20                          (ii) in paragraph (2)(B), by striking  
21                          “the Administrator” and inserting “the  
22                          Federal Chief Information Officer”; and

23                          (iii) in paragraph (4)—

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

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

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

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

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

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

1 that date, without further appointment under such  
2 section.

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

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

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

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

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

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

“3604. Federal IT Fund.”;

20 and

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

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

14 No additional funds are authorized to be appro-  
15 priated to carry out this Act and the amendments made  
16 by this Act. This Act and the amendments made by this  
17 Act shall be carried out using amounts otherwise author-  
18 ized.

Passed the House of Representatives January 15,  
2019.

Attest:

KAREN L. HAAS,  
*Clerk.*