

117TH CONGRESS
2D SESSION

S. _____

To require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. HASSAN (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, 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 “Legacy IT Reduction
5 Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of General Serv-
10 ices.

1 (2) AGENCY.—The term “agency” means an
2 agency described in paragraph (1) or (2) of section
3 901(b) of title 31, United States Code.

4 (3) CHIEF INFORMATION OFFICER.—The term
5 “Chief Information Officer” means a Chief Informa-
6 tion Officer designated under section 3506(a)(2) of
7 title 44, United States Code.

8 (4) COMPTROLLER GENERAL.—The term
9 “Comptroller General” means the Comptroller Gen-
10 eral of the United States.

11 (5) CONGRESSIONAL OVERSIGHT COMMITTEE.—
12 The term “congressional oversight committee”
13 means, with respect to a particular agency, a com-
14 mittee or subcommittee of the Senate and the House
15 of Representatives that provide oversight of the
16 agency.

17 (6) DIRECTOR.—The term “Director” means
18 the Director of the Office of Management and Budg-
19 et.

20 (7) INFORMATION TECHNOLOGY.—The term
21 “information technology” has the meaning given the
22 term in section 11101 of title 40, United States
23 Code.

24 (8) IT WORKING CAPITAL FUND; LEGACY IN-
25 FORMATION TECHNOLOGY SYSTEM.—The terms “IT

1 working capital fund” and “legacy information tech-
2 nology system” have the meaning given the terms in
3 section 1076 of the National Defense Authorization
4 Act for Fiscal Year 2018 (40 U.S.C. 11301 note;
5 Public Law (115–91)).

6 (9) NATIONAL SECURITY SYSTEM.—The term
7 “national security system” has the meaning given
8 the term in section 11103 of title 40, United States
9 Code.

10 (10) TECHNOLOGY MODERNIZATION FUND.—
11 The term “Technology Modernization Fund” means
12 the fund established under section 1078(b)(1) of the
13 National Defense Authorization Act for Fiscal Year
14 2018 (40 U.S.C. 11301 note; Public Law 115–91).

15 **SEC. 3. LEGACY INFORMATION TECHNOLOGY SYSTEM IN-**
16 **VENTORY.**

17 (a) INVENTORY OF LEGACY INFORMATION TECH-
18 NOLOGY SYSTEMS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, and not later than
21 5 years thereafter, the Chief Information Officer of
22 each agency shall compile an inventory that lists
23 each legacy information technology system used, op-
24 erated, or maintained by the agency.

1 (2) CONTENTS.—The Director shall issue guid-
2 ance prescribing the information that the Chief In-
3 formation Officer of each agency shall include for
4 each legacy technology information system listed in
5 the inventory required under paragraph (1). In
6 issuing such guidance, the Director shall consider in-
7 cluding for each legacy technology information sys-
8 tem listed in the inventory—

9 (A) the name or an identification of the
10 legacy information technology system;

11 (B) the office or mission of the agency that
12 the legacy information technology system sup-
13 ports and how the office or mission uses the
14 legacy information technology system;

15 (C) to the extent that information is avail-
16 able—

17 (i) the date of the last update or re-
18 fresh of the legacy information technology
19 system;

20 (ii) the price, including recurring sub-
21 scription costs and any costs to contract
22 labor to operate or maintain the legacy in-
23 formation technology system; and

24 (iii) the name and contact information
25 of the vendor; and

1 (D) the date of the next expected update
2 or modernization, retirement, or disposal of the
3 legacy information technology system.

4 (b) **TRANSPARENCY AND ACCOUNTABILITY.**—

5 (1) **IN GENERAL.**—Upon request by a House of
6 Congress, a congressional oversight committee of an
7 agency, the Comptroller General of the United
8 States, or an inspector general of an agency, the
9 head of the agency shall make available the inven-
10 tory compiled under subsection (a)(1) or the relevant
11 portion of that inventory.

12 (2) **REPORTING.**—The Director may require an
13 agency to include the inventory compiled under sub-
14 section (a)(1) in a reporting structure determined by
15 the Director.

16 **SEC. 4. AGENCY LEGACY INFORMATION TECHNOLOGY SYS-**
17 **TEMS MODERNIZATION PLANS.**

18 (a) **IN GENERAL.**—Not later than 2 years after the
19 date of enactment of this Act, and every 5 years there-
20 after, the head of an agency shall develop and include as
21 part of the information resource management strategic
22 plan of the agency submitted under section 3506(b)(2) of
23 title 44, United States Code, a plan to modernize the leg-
24 acy information technology systems of the agency.

1 (b) CONTENTS.—A modernization plan of an agency
2 developed under subsection (a) shall include—

3 (1) an inventory of the legacy information tech-
4 nology systems of the agency;

5 (2) an identification of legacy information tech-
6 nology systems that the agency has prioritized for
7 updates, modernization, retirement, or disposal

8 (3) steps the agency intends to make toward
9 updating, modernizing, retiring, or disposing of the
10 legacy information technology systems of the agency
11 during the 5-year period beginning on the date of
12 submission of the plan; and

13 (4) any additional information that the Director
14 determines necessary or useful for the agency to
15 consider or include to effectively and efficiently exe-
16 cute the modernization plan, which may include—

17 (A) the capacity of the agency to operate
18 and maintain an updated or modernized legacy
19 information technology system;

20 (B) the cost and sources of funding re-
21 quired to execute the modernization plan;

22 (C) any security standards that an up-
23 dated or modernized legacy information tech-
24 nology system must meet;

1 (D) any technology procurement principles
2 by which the agency should abide;

3 (E) the degree to which updating or mod-
4 ernizing a legacy information technology system
5 is anticipated to gain operational efficiencies,
6 address technology constraints, meet customer
7 experience expectation, and support adoption of
8 and integration with other systems based on
9 comparable up-to-date technology platforms;

10 (F) the ability of the agency to transfer
11 and use data or intelligence held in an agency
12 legacy information technology system to include
13 such data or intelligence in the updated or mod-
14 ernized system, as necessary; and

15 (G) the ability of the agency to adapt an
16 updated or modernized legacy information tech-
17 nology system to changes in policy, technology,
18 or other user needs, as necessary.

19 (c) PUBLICATION AND SUBMISSION TO CONGRESS.—
20 Not later than 30 days after the date on which the head
21 of an agency submits the modernization plan developed
22 under subsection (a) as part of the information resource
23 management strategic plan of the agency submitted under
24 section 3506(b)(2) of title 44, United States Code, the
25 head of the agency shall submit the modernization plan

1 to the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate, the Committee on Oversight
3 and Reform of the House of Representatives, and each
4 congressional oversight committee of the agency.

5 **SEC. 5. ROLE OF THE OFFICE OF MANAGEMENT AND BUDG-**
6 **ET.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Director, in coordination with the Adminis-
9 trator of the Office of Electronic Government, shall issue
10 guidance on the implementation of this Act and the
11 amendments made by this Act, which shall include—

12 (1) criteria to determine whether information
13 technology qualifies as a “legacy information tech-
14 nology system” for the purposes of compiling the in-
15 ventory required under section 3(a)(1);

16 (2) instructions and templates to inform the
17 compilation of the inventory required under section
18 3(a)(1), as necessary;

19 (3) instructions and templates to inform the
20 compilation and publication of, and any subsequent
21 updates to, the modernization plans required under
22 section 4(a), as necessary; and

23 (4) any other guidance determined necessary
24 for the implementation of this Act or the amend-
25 ments made by this Act, including how the imple-

1 mentation of this Act or those amendments com-
2 plements laws, regulations, and guidance relating to
3 information technology modernization.

4 **SEC. 6. COMPUTERS FOR LEARNING PROGRAM.**

5 (a) IN GENERAL.—The head of each agency may
6 make available for transfer under subsection (j) of section
7 11 of the Stevenson-Wydler Technology Innovation Act of
8 1980 (15 U.S.C. 3710), as added by subsection (b) of this
9 section, any educationally useful Federal equipment (as
10 defined in such subsection) that the agency no longer uses.

11 (b) COMPUTERS FOR LEARNING PROGRAM.—Section
12 11 of the Stevenson-Wydler Technology Innovation Act of
13 1980 (15 U.S.C. 3710) is amended by adding at the end
14 the following:

15 “(j) COMPUTERS FOR LEARNING PROGRAM.—

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) ADMINISTRATOR.—The term ‘Admin-
18 istrator’ means the Administrator of General
19 Services.

20 “(B) COMMUNITY-BASED EDUCATIONAL
21 ORGANIZATION.—The term ‘community-based
22 educational organization’ means a nonprofit en-
23 tity—

24 “(i) that is engaged in collaborative
25 projects with schools; or

1 “(ii) the primary focus of which is
2 education.

3 “(C) EDUCATIONALLY USEFUL FEDERAL
4 EQUIPMENT.—The term ‘educationally useful
5 Federal equipment’ means—

6 “(i) a computer or related peripheral
7 tool that is appropriate for use in pre-
8 kindergarten, elementary, middle, or sec-
9 ondary school education; and

10 “(ii) includes—

11 “(I) a printer, modem, router,
12 server, switch, wireless access point,
13 and network management device;

14 “(II) telecommunications and re-
15 search equipment; and

16 “(III) computer software if the
17 transfer of the license of the software
18 is permitted.

19 “(D) ELIGIBLE ENTITY.—The term ‘eligi-
20 ble entity’ means—

21 “(i) a school; or

22 “(ii) a community-based educational
23 organization.

24 “(E) FEDERAL EXECUTIVE BOARD.—The
25 term ‘Federal Executive Board’ means a Fed-

1 eral Executive Board established by the Presi-
2 dent under section 960.102 of title 5, Code of
3 Federal Regulations or any successor regula-
4 tion.

5 “(F) NONPROFIT ENTITY.—The term
6 ‘nonprofit entity’ means an organization de-
7 scribed under section 501(c) of the Internal
8 Revenue Code of 1986 and exempt from tax-
9 ation under section 501(a) of such Code.

10 “(G) NONPROFIT REUSE OR RECYCLING
11 PROGRAM.—The term ‘nonprofit reuse or recy-
12 cling program’ a means nonprofit entity that
13 has the ability to upgrade computer equipment
14 at no or low cost for an eligible entity that
15 takes title to the equipment under this sub-
16 section.

17 “(H) RESEARCH EQUIPMENT.—The term
18 ‘research equipment’ means property deter-
19 mined to be essential to conduct scientific or
20 technical research.

21 “(I) SCHOOL.—The term ‘school’—

22 “(i) means an individual public or pri-
23 vate educational institution for any grade
24 level between prekindergarten and twelfth
25 grade; and

1 “(ii) includes public school districts.

2 “(2) FINDINGS.—Congress finds that—

3 “(A) educationally useful Federal equip-
4 ment is a vital resource of the United States;
5 and

6 “(B) educationally useful Federal equip-
7 ment is a valuable tool for computer education
8 if—

9 “(i) the equipment can be used as is;

10 or

11 “(ii) professional technicians, stu-
12 dents, or recycling efforts can separate the
13 equipment into parts for other computers
14 or upgrade the equipment.

15 “(3) REQUIREMENT.—To the greatest extent
16 practicable, each Federal agency shall protect and
17 safeguard educationally useful Federal equipment of
18 the Federal agency, particularly when that equip-
19 ment is declared excess or surplus, so that the
20 equipment may be recycled and transferred, if ap-
21 propriate, to eligible entities under this subsection.

22 “(4) EFFICIENT TRANSFER OF EDUCATIONALLY
23 USEFUL FEDERAL EQUIPMENT TO SCHOOLS AND
24 NONPROFIT ORGANIZATIONS.—

1 “(A) TRANSFER.—Each Federal agency
2 shall, where appropriate, identify educationally
3 useful Federal equipment that the Federal
4 agency no longer needs and transfer the educa-
5 tionally useful equipment to eligible entities
6 by—

7 “(i) conveying excess educationally
8 useful Federal equipment directly to an eli-
9 gible entity pursuant to subsection (i); or

10 “(ii) in accordance with subparagraph
11 (B), reporting excess educationally useful
12 Federal equipment to the Administrator
13 for donation to eligible entities when de-
14 clared surplus, as described in section
15 549(b)(2)(A)(ii) of title 40, United States
16 Code.

17 “(B) ADVANCE REPORTING.—In reporting
18 excess educationally useful Federal equipment
19 under subparagraph (A)(ii), a Federal agency
20 shall report the equipment as far as possible in
21 advance of the date the equipment becomes ex-
22 cess, so that the Administrator may attempt to
23 arrange direct transfers from the donating Fed-
24 eral agency to eligible entities under this sub-
25 section.

1 “(C) REQUIREMENTS.—In conveying edu-
2 cationally useful Federal equipment under sub-
3 paragraph (A)(i)—

4 “(i) title of the equipment shall trans-
5 fer directly from the Federal agency to an
6 eligible entity;

7 “(ii) the Federal agency shall report
8 the conveyance to the Administrator; and

9 “(iii) at the direction of the recipient
10 of the equipment, and if appropriate, the
11 equipment may be initially conveyed to a
12 nonprofit reuse or recycling program for
13 upgrade.

14 “(D) TRANSFER BY NONPROFIT REUSE OR
15 RECYCLING PROGRAM.—A nonprofit reuse or
16 recycling program to which educationally useful
17 Federal equipment is conveyed for the purpose
18 of upgrading for an eligible entity under sub-
19 paragraph (C)(iii) shall transfer the equipment
20 to the eligible entity upon the completion of the
21 upgrade.

22 “(E) RESPONSIBILITY FOR COST.—Any
23 costs relating to a transfer of educationally use-
24 ful Federal equipment under this subsection

1 shall be the responsibility of the eligible entity
2 that receives the transfer.

3 “(F) OUTREACH.—The Administrator, in
4 coordination with the Secretary of Education,
5 shall perform outreach to eligible entities about
6 the availability of transfers under this sub-
7 section by all practicable means, including
8 through television or print media, community
9 announcements, and the internet.

10 “(G) FEDERAL EXECUTIVE BOARDS.—
11 Each Federal Executive Board shall help facili-
12 tate the transfer of educationally useful Federal
13 equipment from Federal agencies under this
14 subsection to eligible entities.

15 “(5) GUIDANCE, REGULATIONS, AND ASSIST-
16 ANCE TO CHIEF INFORMATION OFFICERS.—The Ad-
17 ministrator—

18 “(A) may issue guidance or regulations to
19 facilitate the implementation of this subsection;
20 and

21 “(B) shall provide assistance to the chief
22 information officers of Federal agencies to en-
23 hance the participation of Federal agencies in
24 transfers under this subsection.

1 “(6) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed to prohibit a re-
3 cipient of educationally useful Federal equipment
4 from lending that equipment, whether on a perma-
5 nent or temporary basis, to a teacher, administrator,
6 student, employee, or other designated individual in
7 furtherance of educational goals.

8 “(7) JUDICIAL REVIEW.—Nothing in this sub-
9 section shall be construed to create any substantive
10 or procedural right or benefit enforceable by law by
11 a party against the United States, its agencies, its
12 officers, or its employees.”.

13 **SEC. 7. COMPTROLLER GENERAL REVIEW.**

14 (a) IN GENERAL.—Not later than 3 years after the
15 date of enactment of this Act, the Comptroller General
16 shall submit to the Committee on Homeland Security and
17 Governmental Affairs of the Senate and the Committee
18 on Oversight and Reform of the House of Representatives
19 a report on—

20 (1) the implementation of this Act and the
21 amendments made by this Act; and

22 (2) how this Act and the amendments made by
23 this Act function alongside other information tech-
24 nology modernization offices, policies, and programs,
25 such as—

1 (A) the Technology Modernization Fund
2 and the IT working capital fund;

3 (B) the Federal Risk and Authorization
4 Management Program, the 18F program, and
5 the 10X program of the General Services Ad-
6 ministration;

7 (C) programs and policies of the Office of
8 Management and Budget, including the Office
9 of Electronic Government and the United
10 States Digital Service; and

11 (D) any other office, policy, or program of
12 the Federal Government determined relevant by
13 the Comptroller General.

14 **SEC. 8. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**
15 **TION OF NATIONAL SECURITY SYSTEMS.**

16 (a) IN GENERAL.—Nothing in this Act or the amend-
17 ments made by this Act shall be construed to require the
18 head of an agency to disclose sensitive information that—

19 (1) is protected from disclosure under any other
20 law; or

21 (2) that would compromise the security of any
22 information technology system of the Federal Gov-
23 ernment.

24 (b) EXEMPTION.—Nothing in this Act or the amend-
25 ments made by this Act shall be construed to authorize

- 1 or require the head of an agency to inventory, develop a
- 2 report relating to, or transfer, a national security system.