

# Calendar No. 383

118TH CONGRESS  
2D SESSION

# S. 2032

[Report No. 118-172]

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

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

MAY 9, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## 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 2023”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of General Serv-  
5 ices.

6 (2) AGENCY.—The term “agency” means an  
7 agency described in paragraph (1) or (2) of section  
8 901(b) of title 31, United States Code.

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

13 (4) COMPTROLLER GENERAL.—The term  
14 “Comptroller General” means the Comptroller Gen-  
15 eral of the United States.

16 (5) CONGRESSIONAL OVERSIGHT COMMITTEE.—  
17 The term “congressional oversight committee”  
18 means, with respect to a particular agency, a com-  
19 mittee or subcommittee of the Senate and the House  
20 of Representatives that provides oversight of the  
21 agency.

22 (6) DIRECTOR.—The term “Director” means  
23 the Director of the Office of Management and Budg-  
24 et.

25 (7) INFORMATION TECHNOLOGY.—The term  
26 “information technology” has the meaning given the

1 term in section 11101 of title 40, United States  
2 Code.

3 (8) ~~IT WORKING CAPITAL FUND; LEGACY IN-~~  
4 ~~FORMATION TECHNOLOGY SYSTEM.~~—The terms “IT  
5 working capital fund” and “legacy information tech-  
6 nology system” have the meaning given the terms in  
7 section 1076 of the National Defense Authorization  
8 Act for Fiscal Year 2018 (40 U.S.C. 11301 note;  
9 Public Law 115–91).

10 (9) ~~NATIONAL SECURITY SYSTEM.~~—The term  
11 “national security system” has the meaning given  
12 the term in section 11103 of title 40, United States  
13 Code.

14 (10) ~~TECHNOLOGY MODERNIZATION FUND.~~—  
15 The term “Technology Modernization Fund” means  
16 the fund established under section 1078(b)(1) of the  
17 National Defense Authorization Act for Fiscal Year  
18 2018 (40 U.S.C. 11301 note; Public Law 115–91).

19 **SEC. 3. LEGACY INFORMATION TECHNOLOGY SYSTEM IN-**  
20 **VENTORY.**

21 (a) ~~INVENTORY OF LEGACY INFORMATION TECH-~~  
22 ~~NOLOGY SYSTEMS.~~—

23 (1) ~~IN GENERAL.~~—Not later than 1 year after  
24 the date of enactment of this Act, and not later than  
25 5 years thereafter, the Chief Information Officer of

1 each agency shall compile an inventory that lists  
2 each legacy information technology system used, op-  
3 erated, or maintained by the agency.

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

12 (A) the name or an identification of the  
13 legacy information technology system;

14 (B) the office or mission of the agency that  
15 the legacy information technology system sup-  
16 ports and how the office or mission uses the  
17 legacy information technology system;

18 (C) to the extent that information is avail-  
19 able—

20 (i) the date of the last update or re-  
21 fresh of the legacy information technology  
22 system;

23 (ii) the annual price, including recur-  
24 ring subscription costs and any costs to

1 contract labor, to operate or maintain the  
 2 legacy information technology system; and  
 3 (iii) the name and contact information  
 4 of the vendor; and  
 5 (D) the date of the next expected update  
 6 or modernization, retirement, or disposal of the  
 7 legacy information technology system.

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

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

16 (2) **REPORTING.**—The Director may require an  
 17 agency to include the inventory compiled under sub-  
 18 section (a)(1) in a reporting structure determined by  
 19 the Director.

20 **SEC. 4. AGENCY LEGACY INFORMATION TECHNOLOGY SYS-**  
 21 **TEMS MODERNIZATION PLANS.**

22 (a) **IN GENERAL.**—Not later than 2 years after the  
 23 date of enactment of this Act, and every 5 years there-  
 24 after, the head of an agency shall develop and include as  
 25 part of the information resource management strategie

1 plan of the agency submitted under section 3506(b)(2) of  
2 title 44, United States Code, a plan to modernize the leg-  
3 acy information technology systems of the agency.

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

6 (1) an inventory of the legacy information tech-  
7 nology systems of the agency;

8 (2) an identification of legacy information tech-  
9 nology systems that the agency has prioritized for  
10 updates, modernization, retirement, or disposal;

11 (3) steps the agency intends to make toward  
12 updating, modernizing, retiring, or disposing of the  
13 legacy information technology systems of the agency  
14 prioritized under paragraph (2) during the 5-year  
15 period beginning on the date of submission of the  
16 plan; and

17 (4) any additional information that the Director  
18 determines necessary or useful for the agency to  
19 consider or include to effectively and efficiently exe-  
20 cute the modernization plan, which may include—

21 (A) the capacity of the agency to operate  
22 and maintain an updated or modernized legacy  
23 information technology system;



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

5           (2) instructions and templates to inform the  
6 compilation of the inventory required under section  
7 3(a)(1), as necessary;

8           (3) instructions and templates to inform the  
9 compilation and publication of, and any subsequent  
10 updates to, the modernization plans required under  
11 section 4(a), as necessary; and

12           (4) any other guidance determined necessary  
13 for the implementation of this Act or the amend-  
14 ments made by this Act, including how the imple-  
15 mentation of this Act or those amendments com-  
16 plements laws, regulations, and guidance relating to  
17 information technology modernization.

18 **SEC. 6. COMPTROLLER GENERAL REVIEW.**

19           (a) **IN GENERAL.**—Not later than 3 years after the  
20 date of enactment of this Act, the Comptroller General  
21 shall submit to the Committee on Homeland Security and  
22 Governmental Affairs of the Senate and the Committee  
23 on Oversight and Accountability of the House of Rep-  
24 resentatives a report on—



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

3           (2) how this Act and the amendments made by  
4           this Act function alongside other information tech-  
5           nology modernization offices, policies, and programs,  
6           such as—

7                   (A) the Technology Modernization Fund  
8                   and the IT working capital fund;

9                   (B) the Federal Risk and Authorization  
10                  Management Program; the 18F program; and  
11                  the 10X program of the General Services Ad-  
12                  ministration;

13                  (C) programs and policies of the Office of  
14                  Management and Budget, including the Office  
15                  of Electronic Government and the United  
16                  States Digital Service; and

17                  (D) any other office, policy, or program of  
18                  the Federal Government determined relevant by  
19                  the Comptroller General.

20 **SEC. 7. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**  
21 **TION OF NATIONAL SECURITY SYSTEMS.**

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

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

3           (2) would compromise the security of any infor-  
4 mation technology system of the Federal Govern-  
5 ment.

6       (b) EXEMPTION.—Nothing in this Act or the amend-  
7 ments made by this Act shall be construed to authorize  
8 or require the head of an agency to inventory, develop a  
9 report relating to, or transfer, a national security system.

10 **SECTION 1. SHORT TITLE.**

11       *This Act may be cited as the “Legacy IT Reduction*  
12 *Act of 2023”.*

13 **SEC. 2. DEFINITIONS.**

14       *In this Act:*

15           (1) ADMINISTRATOR.—*The term “Adminis-*  
16 *trator” means the Administrator of General Services.*

17           (2) AGENCY.—*The term “agency” means an*  
18 *agency described in paragraph (1) or (2) of section*  
19 *901(b) of title 31, United States Code.*

20           (3) CHIEF INFORMATION OFFICER.—*The term*  
21 *“Chief Information Officer” means a Chief Informa-*  
22 *tion Officer designated under section 3506(a)(2) of*  
23 *title 44, United States Code.*

1           (4) *COMPTROLLER GENERAL*.—The term “Comptroller General” means the Comptroller General of the  
2           United States.  
3

4           (5) *CONGRESSIONAL OVERSIGHT COMMITTEE*.—  
5           The term “congressional oversight committee” means,  
6           with respect to a particular agency, a committee or  
7           subcommittee of the Senate or the House of Represent-  
8           atives that provides oversight of the agency.

9           (6) *DIRECTOR*.—The term “Director” means the  
10          Director of the Office of Management and Budget.

11          (7) *INFORMATION TECHNOLOGY*.—The term “in-  
12          formation technology” has the meaning given the term  
13          in section 11101 of title 40, United States Code.

14          (8) *IT WORKING CAPITAL FUND; LEGACY INFOR-*  
15          *MATION TECHNOLOGY SYSTEM*.—The terms “IT work-  
16          ing capital fund” and “legacy information technology  
17          system” have the meanings given the terms in section  
18          1076 of the National Defense Authorization Act for  
19          Fiscal Year 2018 (40 U.S.C. 11301 note; Public Law  
20          115–91).

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

24          (10) *TECHNOLOGY MODERNIZATION FUND*.—The  
25          term “Technology Modernization Fund” means the

1 *fund established under section 1078(b)(1) of the Na-*  
2 *tional Defense Authorization Act for Fiscal Year 2018*  
3 *(40 U.S.C. 11301 note; Public Law 115–91).*

4 **SEC. 3. LEGACY INFORMATION TECHNOLOGY SYSTEM IN-**  
5 **VENTORY.**

6 *(a) INVENTORY OF LEGACY INFORMATION TECH-*  
7 *NOLOGY SYSTEMS.—*

8 *(1) IN GENERAL.—Not later than 1 year after*  
9 *the date of enactment of this Act, and not later than*  
10 *5 years thereafter, the Chief Information Officer of*  
11 *each agency shall compile an inventory that lists each*  
12 *legacy information technology system used, operated,*  
13 *or maintained by the agency.*

14 *(2) CONTENTS.—The Director shall issue guid-*  
15 *ance prescribing the information that the Chief Infor-*  
16 *mation Officer of each agency shall include for each*  
17 *legacy technology information system listed in the in-*  
18 *ventory required under paragraph (1). In issuing*  
19 *such guidance, the Director shall consider including*  
20 *for each legacy technology information system listed*  
21 *in the inventory—*

22 *(A) the name or an identification of the leg-*  
23 *acy information technology system;*

24 *(B) the office or mission of the agency that*  
25 *the legacy information technology system sup-*

1           ports and how the office or mission uses the leg-  
2           acy information technology system;

3           (C) whether the legacy information tech-  
4           nology system is connected to a non-legacy infor-  
5           mation technology system;

6           (D) to the extent that information is avail-  
7           able—

8           (i) the date of the last update or refresh  
9           of the legacy information technology system;

10          (ii) the annual price, including recur-  
11          ring subscription costs and any costs to  
12          contract labor, to operate or maintain the  
13          legacy information technology system; and

14          (iii) the name and contact information  
15          of the vendor; and

16          (E) the date of the next expected update or  
17          modernization, retirement, or disposal of the leg-  
18          acy information technology system.

19       (b) *TRANSPARENCY AND ACCOUNTABILITY.*—

20           (1) *IN GENERAL.*—Upon request by a House of  
21       Congress, a congressional oversight committee of an  
22       agency, the Comptroller General, or an inspector gen-  
23       eral of an agency, the head of the agency shall make  
24       available the inventory compiled under subsection  
25       (a)(1) or a relevant portion of that inventory.

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

5 **SEC. 4. AGENCY LEGACY INFORMATION TECHNOLOGY SYS-**  
6                                   **TEMS MODERNIZATION PLANS.**

7           (a) *IN GENERAL.*—*Not later than 2 years after the*  
8           *date of enactment of this Act, and every 5 years thereafter,*  
9           *the head of an agency shall develop and include as part*  
10           *of the information resource management strategic plan of*  
11           *the agency submitted under section 3506(b)(2) of title 44,*  
12           *United States Code, a plan to modernize the legacy infor-*  
13           *mation technology systems of the agency.*

14           (b) *CONTENTS.*—*A modernization plan of an agency*  
15           *developed under subsection (a) shall include—*

16                   (1) *an inventory of the legacy information tech-*  
17                   *nology systems of the agency;*

18                   (2) *an identification of legacy information tech-*  
19                   *nology systems that the agency has prioritized for up-*  
20                   *dates, modernization, retirement, or disposal;*

21                   (3) *steps the agency intends to make toward up-*  
22                   *dating, modernizing, retiring, or disposing of the leg-*  
23                   *acy information technology systems of the agency*  
24                   *prioritized under paragraph (2) during the 5-year pe-*

1 *riod beginning on the date of submission of the plan;*  
2 *and*

3 *(4) any additional information that the Director*  
4 *determines necessary or useful for the agency to con-*  
5 *sider or include to effectively and efficiently execute*  
6 *the modernization plan, which may include—*

7 *(A) the capacity of the agency to operate*  
8 *and maintain an updated or modernized legacy*  
9 *information technology system;*

10 *(B) the estimated cost and sources of fund-*  
11 *ing required to execute the modernization plan;*

12 *(C) the ability of the agency to adapt an*  
13 *updated or modernized legacy information tech-*  
14 *nology system to changes in policy, technology,*  
15 *or other user needs, as necessary; and*

16 *(D) the effect that updating, modernizing,*  
17 *retiring, or disposing of a legacy information*  
18 *technology system of the agency that is connected*  
19 *to a non-legacy information technology system*  
20 *would have on any such non-legacy information*  
21 *technology system.*

22 *(c) PUBLICATION AND SUBMISSION TO CONGRESS.—*  
23 *Not later than 30 days after the date on which the head*  
24 *of an agency submits the modernization plan developed*  
25 *under subsection (a) as part of the information resource*

1 *management strategic plan of the agency submitted under*  
2 *section 3506(b)(2) of title 44, United States Code, the head*  
3 *of the agency shall submit the modernization plan to the*  
4 *Committee on Homeland Security and Governmental Af-*  
5 *airs of the Senate, the Committee on Oversight and Ac-*  
6 *countability of the House of Representatives, and each con-*  
7 *gressional oversight committee of the agency.*

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

10 *Not later than 180 days after the date of enactment*  
11 *of this Act, the Director, in coordination with the Adminis-*  
12 *trator of the Office of Electronic Government, shall issue*  
13 *guidance on the implementation of this Act, which shall in-*  
14 *clude—*

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

19 *(2) instructions and templates to inform the*  
20 *compilation of the inventory required under section*  
21 *3(a)(1), as necessary;*

22 *(3) instructions and templates to inform the*  
23 *compilation and publication of, and any subsequent*  
24 *updates to, the modernization plans required under*  
25 *section 4(a), as necessary; and*



1           (4) *any other guidance determined necessary for*  
2           *the implementation of this Act, including how the im-*  
3           *plementation of this Act complements laws, regula-*  
4           *tions, and guidance relating to information tech-*  
5           *nology modernization.*

6 **SEC. 6. COMPTROLLER GENERAL REVIEW.**

7           (a) *IN GENERAL.*—*Not later than 3 years after the*  
8           *date of enactment of this Act, the Comptroller General shall*  
9           *submit to the Committee on Homeland Security and Gov-*  
10           *ernmental Affairs of the Senate and the Committee on Over-*  
11           *sight and Accountability of the House of Representatives*  
12           *a report on—*

13                   (1) *the implementation of this Act; and*

14                   (2) *how this Act functions alongside other infor-*  
15           *mation technology modernization offices, policies, and*  
16           *programs, such as—*

17                           (A) *the Technology Modernization Fund*  
18                           *and the IT working capital fund;*

19                           (B) *the Federal Risk and Authorization*  
20                           *Management Program, the 18F program, and*  
21                           *the 10X program of the General Services Admin-*  
22                           *istration;*

23                           (C) *programs and policies of the Office of*  
24                           *Management and Budget, including the Office of*

1           *Electronic Government and the United States*  
2           *Digital Service; and*

3                   *(D) any other office, policy, or program of*  
4           *the Federal Government determined relevant by*  
5           *the Comptroller General.*

6   **SEC. 7. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**  
7                   **TION OF NATIONAL SECURITY SYSTEMS.**

8           *(a) IN GENERAL.—Nothing in this Act shall be con-*  
9           *strued to require the head of an agency to disclose sensitive*  
10          *information that—*

11                   *(1) is protected from disclosure under any other*  
12          *law; or*

13                   *(2) would compromise the security of any infor-*  
14          *mation technology system of the Federal Government.*

15          *(b) EXEMPTION.—Nothing in this Act shall be con-*  
16          *strued to authorize or require the head of an agency to in-*  
17          *ventory, develop a report relating to, or transfer a national*  
18          *security system.*

19          *(c) RULE OF CONSTRUCTION.—Nothing in this Act*  
20          *shall be construed to authorize the transfer of legacy infor-*  
21          *mation technology systems or equipment to the Chinese*  
22          *Communist Party, the People’s Republic of China, or any*  
23          *entity controlled by the People’s Republic of China.*

1 **SEC. 8. NO NEW FUNDS; SUNSET.**

2       (a) *NO NEW FUNDS.*—No additional funds are author-  
3 ized to be appropriated to carry out this Act.

4       (b) *SUNSET.*—Effective on the date that is 6 years  
5 after the date of enactment of the Act, this Act shall have  
6 no force or effect.

Calendar No. 383

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2032**

[Report No. 118-172]

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**A BILL**

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

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MAY 9, 2024

Reported with an amendment