

# Calendar No. 653

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

# S. 3897

[Report No. 117-262]

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

MARCH 22, 2022

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

DECEMBER 15, 2022

Reported by Mr. PETERS, with amendments

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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 2022”.

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 ~~provide~~ *provides* oversight of  
21 the 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 strategic

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;

24 ~~(B) the cost and sources of funding re-~~  
25 ~~quired to execute the modernization plan;~~

1           (C) any security standards that an up-  
2           dated or modernized legacy information tech-  
3           nology system must meet;

4           (D) any technology procurement principles  
5           by which the agency should abide;

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

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

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

22                    (B) *the estimated cost and sources of fund-*  
23                    *ing required to execute the modernization plan;*  
24                    *and*

1                   (C) the ability of the agency to adapt an  
2                   updated or modernized legacy information tech-  
3                   nology system to changes in policy, technology,  
4                   or other user needs, as necessary.

5           (c) PUBLICATION AND SUBMISSION TO CONGRESS.—

6 Not later than 30 days after the date on which the head  
7 of an agency submits the modernization plan developed  
8 under subsection (a) as part of the information resource  
9 management strategic plan of the agency submitted under  
10 section 3506(b)(2) of title 44, United States Code, the  
11 head of the agency shall submit the modernization plan  
12 to the Committee on Homeland Security and Govern-  
13 mental Affairs of the Senate, the Committee on Oversight  
14 and Reform of the House of Representatives, and each  
15 congressional oversight committee of the agency.

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

18           Not later than 180 days after the date of enactment  
19 of this Act, the Director, in coordination with the Adminis-  
20 trator of the Office of Electronic Government, shall issue  
21 guidance on the implementation of this Act and the  
22 amendments made by this Act, which shall include—

23                   (1) criteria to determine whether information  
24                   technology qualifies as a “legacy information tech-



1 nology system” for the purposes of compiling the in-  
2 ventory required under section 3(a)(1);

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

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

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

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

17 (a) IN GENERAL.—The head of each agency may  
18 make available for transfer under subsection (j) of section  
19 11 of the Stevenson-Wydler Technology Innovation Act of  
20 1980 (15 U.S.C. 3710), as added by subsection (b) of this  
21 section, any educationally useful Federal equipment (as  
22 defined in such subsection) that the agency no longer uses.

23 (b) COMPUTERS FOR LEARNING PROGRAM.—Section  
24 11 of the Stevenson-Wydler Technology Innovation Act of

1 1980 (15 U.S.C. 3710) is amended by adding at the end  
2 the following:

3 “(j) COMPUTERS FOR LEARNING PROGRAM.—

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

5 “(A) ADMINISTRATOR.—The term ‘Admin-  
6 istrator’ means the Administrator of General  
7 Services.

8 “(B) COMMUNITY-BASED EDUCATIONAL  
9 ORGANIZATION.—The term ‘community-based  
10 educational organization’ means a nonprofit en-  
11 tity—

12 “(i) that is engaged in collaborative  
13 projects with schools; or

14 “(ii) the primary focus of which is  
15 education.

16 “(C) EDUCATIONALLY USEFUL FEDERAL  
17 EQUIPMENT.—The term ‘educationally useful  
18 Federal equipment’ means—

19 “(i) a computer or related peripheral  
20 tool that is appropriate for use in pre-  
21 kindergarten, elementary, middle, or sec-  
22 ondary school education; and

23 “(ii) includes—

1                   “(I) a printer, modem, router,  
2                   server, switch, wireless access point,  
3                   and network management device;

4                   “(II) telecommunications and re-  
5                   search equipment; and

6                   “(III) computer software if the  
7                   transfer of the license of the software  
8                   is permitted.

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

11                   “(i) a school; or

12                   “(ii) a community-based educational  
13                  organization.

14                   “(E) FEDERAL EXECUTIVE BOARD.—The  
15                  term ‘Federal Executive Board’ means a Fed-  
16                  eral Executive Board established by the Presi-  
17                  dent under section 960.102 of title 5, Code of  
18                  Federal Regulations or any successor regula-  
19                  tion.

20                   “(F) NONPROFIT ENTITY.—The term  
21                  ‘nonprofit entity’ means an organization de-  
22                  scribed under section 501(c) of the Internal  
23                  Revenue Code of 1986 and exempt from tax-  
24                  ation under section 501(a) of such Code.

1           “(G) NONPROFIT REUSE OR RECYCLING  
2 PROGRAM.—The term ‘nonprofit reuse or recy-  
3 cling program’ a means nonprofit entity that  
4 has the ability to upgrade computer equipment  
5 at no or low cost for an eligible entity that  
6 takes title to the equipment under this sub-  
7 section.

8           “(H) RESEARCH EQUIPMENT.—The term  
9 ‘research equipment’ means property deter-  
10 mined to be essential to conduct scientific or  
11 technical research.

12           “(I) SCHOOL.—The term ‘school’—

13           “(i) means an individual public or pri-  
14 vate educational institution for any grade  
15 level between prekindergarten and twelfth  
16 grade; and

17           “(ii) includes public school districts.

18           “(2) FINDINGS.—Congress finds that—

19           “(A) educationally useful Federal equip-  
20 ment is a vital resource of the United States;  
21 and

22           “(B) educationally useful Federal equip-  
23 ment is a valuable tool for computer education  
24 if—

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

2 or

3 “(ii) professional technicians, stu-  
4 dents, or recycling efforts can separate the  
5 equipment into parts for other computers  
6 or upgrade the equipment.

7 “(3) REQUIREMENT.—To the greatest extent  
8 practicable, each Federal agency shall protect and  
9 safeguard educationally useful Federal equipment of  
10 the Federal agency, particularly when that equip-  
11 ment is declared excess or surplus, so that the  
12 equipment may be recycled and transferred, if ap-  
13 propriate, to eligible entities under this subsection.

14 “(4) EFFICIENT TRANSFER OF EDUCATIONALLY  
15 USEFUL FEDERAL EQUIPMENT TO SCHOOLS AND  
16 NONPROFIT ORGANIZATIONS.—

17 “(A) TRANSFER.—Each Federal agency  
18 shall, where appropriate, identify educationally  
19 useful Federal equipment that the Federal  
20 agency no longer needs and transfer the educa-  
21 tionally useful equipment to eligible entities  
22 by—

23 “(i) conveying excess educationally  
24 useful Federal equipment directly to an eli-  
25 gible entity pursuant to subsection (i); or

1           “(ii) in accordance with subparagraph  
2           (B), reporting excess educationally useful  
3           Federal equipment to the Administrator  
4           for donation to eligible entities when de-  
5           clared surplus, as described in section  
6           549(b)(2)(A)(ii) of title 40, United States  
7           Code.

8           “(B) ADVANCE REPORTING.—In reporting  
9           excess educationally useful Federal equipment  
10          under subparagraph (A)(ii), a Federal agency  
11          shall report the equipment as far as possible in  
12          advance of the date the equipment becomes ex-  
13          cess, so that the Administrator may attempt to  
14          arrange direct transfers from the donating Fed-  
15          eral agency to eligible entities under this sub-  
16          section.

17          “(C) REQUIREMENTS.—In conveying edu-  
18          cationally useful Federal equipment under sub-  
19          paragraph (A)(i)—

20                 “(i) title of the equipment shall trans-  
21                 fer directly from the Federal agency to an  
22                 eligible entity;

23                 “(ii) the Federal agency shall report  
24                 the conveyance to the Administrator; and

1           “(iii) at the direction of the recipient  
2           of the equipment, and if appropriate, the  
3           equipment may be initially conveyed to a  
4           nonprofit reuse or recycling program for  
5           upgrade.

6           “(D) TRANSFER BY NONPROFIT REUSE OR  
7           RECYCLING PROGRAM.—A nonprofit reuse or  
8           recycling program to which educationally useful  
9           Federal equipment is conveyed for the purpose  
10          of upgrading for an eligible entity under sub-  
11          paragraph (C)(iii) shall transfer the equipment  
12          to the eligible entity upon the completion of the  
13          upgrade.

14          “(E) RESPONSIBILITY FOR COST.—Any  
15          costs relating to a transfer of educationally use-  
16          ful Federal equipment under this subsection  
17          shall be the responsibility of the eligible entity  
18          that receives the transfer.

19          “(F) OUTREACH.—The Administrator, in  
20          coordination with the Secretary of Education,  
21          shall perform outreach to eligible entities about  
22          the availability of transfers under this sub-  
23          section by all practicable means, including  
24          through television or print media, community  
25          announcements, and the internet.

1           “(G) FEDERAL EXECUTIVE BOARDS.—  
2           Each Federal Executive Board shall help facili-  
3           tate the transfer of educationally useful Federal  
4           equipment from Federal agencies under this  
5           subsection to eligible entities.

6           “(5) GUIDANCE, REGULATIONS, AND ASSIST-  
7           ANCE TO CHIEF INFORMATION OFFICERS.—The Ad-  
8           ministrators—

9           “(A) may issue guidance or regulations to  
10          facilitate the implementation of this subsection;  
11          and

12          “(B) shall provide assistance to the chief  
13          information officers of Federal agencies to en-  
14          hance the participation of Federal agencies in  
15          transfers under this subsection.

16          “(6) RULE OF CONSTRUCTION.—Nothing in  
17          this subsection shall be construed to prohibit a re-  
18          cipient of educationally useful Federal equipment  
19          from lending that equipment, whether on a perma-  
20          nent or temporary basis, to a teacher, administrator,  
21          student, employee, or other designated individual in  
22          furtherance of educational goals.

23          “(7) JUDICIAL REVIEW.—Nothing in this sub-  
24          section shall be construed to create any substantive  
25          or procedural right or benefit enforceable by law by



1 a party against the United States, its agencies, its  
2 officers, or its employees.”.

3 **SEC. 7. COMPTROLLER GENERAL REVIEW.**

4 (a) IN GENERAL.—Not later than 3 years after the  
5 date of enactment of this Act, the Comptroller General  
6 shall submit to the Committee on Homeland Security and  
7 Governmental Affairs of the Senate and the Committee  
8 on Oversight and Reform of the House of Representatives  
9 a report on—

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

12 (2) how this Act and the amendments made by  
13 this Act function alongside other information tech-  
14 nology modernization offices, policies, and programs,  
15 such as—

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

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

22 (C) programs and policies of the Office of  
23 Management and Budget, including the Office  
24 of Electronic Government and the United  
25 States Digital Service; and

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

4 **SEC. 8. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**  
5 **TION OF NATIONAL SECURITY SYSTEMS.**

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

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

11 (2) ~~that~~ would compromise the security of any  
12 information technology system of the Federal Gov-  
13 ernment.

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



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