

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To improve the visibility, accountability, and oversight of agency software asset management practices, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. PETERS (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To improve the visibility, accountability, and oversight of agency software asset management practices, 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 “Strengthening Agency  
5 Management and Oversight of Software Assets Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4           (2) AGENCY.—The term “agency” has the  
5           meaning given the term “establishment” in section  
6           12 of the Inspector General Act of 1978 (5 U.S.C.  
7           App.).

8           (3) CLOUD COMPUTING.—The term “cloud  
9           computing” has the meaning given the term in Spe-  
10          cial Publication 800–145 of the National Institute of  
11          Standards and Technology, or any successor docu-  
12          ment.

13          (4) CLOUD SERVICE PROVIDER.—The term  
14          “cloud service provider” means an entity offering  
15          cloud computing products or services to agencies.

16          (5) COMPREHENSIVE ASSESSMENT.—The term  
17          “comprehensive assessment” means a comprehensive  
18          assessment conducted pursuant to section 3(a).

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

22          (7) PLAN.—The term “plan” means the plan  
23          developed by a Chief Information Officer, or equiva-  
24          lent official, pursuant to section 4(a).

1 (8) SOFTWARE ENTITLEMENT.—The term  
2 “software entitlement” means any software that—

3 (A) has been purchased, leased, or licensed  
4 by or billed to an agency under any contract or  
5 other business arrangement; and

6 (B) is subject to use limitations.

7 (9) SOFTWARE INVENTORY.—The term “soft-  
8 ware inventory” means the software inventory of an  
9 agency required pursuant to—

10 (A) section 2(b)(2)(A) of the Making Elec-  
11 tronic Government Accountable By Yielding  
12 Tangible Efficiencies Act of 2016 (40 U.S.C.  
13 11302 note; Public Law 114–210); or

14 (B) subsequent guidance issued by the Di-  
15 rector of the Office of Management and Budget  
16 pursuant to that Act.

17 **SEC. 3. SOFTWARE ENTITLEMENT AND INVENTORY INTEG-**  
18 **RITY.**

19 (a) IN GENERAL.—As soon as practicable, and not  
20 later than 1 year after the date of enactment of this Act,  
21 the Chief Information Officer of each agency, in consulta-  
22 tion with the Chief Financial Officer, the Chief Procure-  
23 ment Officer, and General Counsel of the agency, or the  
24 equivalent officials of the agency, shall complete a com-

1 prehensive assessment of the software entitlements and  
2 software inventories of the agency, which shall include—

3 (1) the current software inventory of the agen-  
4 cy, including software entitlements, contracts and  
5 other agreements or arrangements of the agency,  
6 and a list of the largest software entitlements of the  
7 agency separated by vendor;

8 (2) a comprehensive, detailed accounting of—

9 (A) any software deployed for the agency  
10 as of the date of the comprehensive assessment,  
11 including, to the extent identifiable, the con-  
12 tracts and other agreements or arrangements  
13 that the agency uses to acquire, deploy, or use  
14 such software;

15 (B) information and data on software enti-  
16 tlements—

17 (i) for which the agency pays;

18 (ii) that are not deployed or in use by  
19 the agency; and

20 (iii) that are billed to the agency  
21 under any contract or business arrange-  
22 ment that creates redundancy in the de-  
23 ployment or use by the agency; and

24 (C) the extent—

1 (i) to which any software paid for, in  
2 use, or deployed throughout the agency is  
3 interoperable; and

4 (ii) of the efforts of the agency to im-  
5 prove interoperability of software assets  
6 throughout the agency enterprise;

7 (3) a categorization of software licenses of the  
8 agency by costs and volume;

9 (4) a list of any provisions in the software li-  
10 censes of the agency that may restrict how the soft-  
11 ware can be deployed or accessed, either on desktop  
12 or server hardware or through a cloud service pro-  
13 vider; and

14 (5) an analysis addressing—

15 (A) the accuracy and completeness of the  
16 software inventory and software entitlements of  
17 the agency before and after the comprehensive  
18 assessment;

19 (B) management by the agency of and  
20 compliance by the agency with all contracts or  
21 other agreements or arrangements that include  
22 or implicate software licensing or software man-  
23 agement within the agency;

1 (C) the extent to which the agency accu-  
2 rately captures the total costs of enterprise li-  
3 censes agreements and related costs; and

4 (D) compliance with software license man-  
5 agement policies of the agency.

6 (b) CONTRACT SUPPORT.—

7 (1) AUTHORITY.—The head of an agency may  
8 enter into 1 or more contracts to support the re-  
9 quirements of subsection (a).

10 (2) NO CONFLICT OF INTEREST.—Contracts  
11 under paragraph (1) shall not include contractors  
12 with organization conflicts of interest.

13 (3) OPERATIONAL INDEPENDENCE.—Over the  
14 course of a comprehensive assessment, contractors  
15 hired pursuant to paragraph (1) shall maintain oper-  
16 ational independence from the integration, manage-  
17 ment, and operations of the software inventory and  
18 software entitlements of the agency.

19 (c) SUBMISSION.—On the date on which the Chief In-  
20 formation Officer, Chief Financial Officer, Chief Procure-  
21 ment Officer, and General Counsel of an agency, or the  
22 equivalent officials of the agency, complete the comprehen-  
23 sive assessment, and not later than 1 year after the date  
24 of enactment of this Act, the Chief Information Officer  
25 shall submit the comprehensive assessment to—

- 1 (1) the head of the agency;
- 2 (2) the Director;
- 3 (3) the Administrator;
- 4 (4) the Comptroller General of the United  
5 States;
- 6 (5) the Committee on Homeland Security and  
7 Governmental Affairs of the Senate; and
- 8 (6) the Committee on Oversight and Reform of  
9 the House of Representatives.

10 (d) CONSULTATION.—In order to ensure the utility  
11 and standardization of the comprehensive assessment of  
12 each agency, including to support the development of each  
13 plan and the Government-wide strategy described in sec-  
14 tion 5, the Director, in consultation with the Adminis-  
15 trator, may share information, best practices, and rec-  
16 ommendations relating to the activities performed in the  
17 course of a comprehensive assessment of an agency.

18 **SEC. 4. ENTERPRISE LICENSING POSITIONING AT AGEN-**  
19 **CIES.**

20 (a) IN GENERAL.—The Chief Information Officer of  
21 each agency, in consultation with the Chief Financial Offi-  
22 cer and the Chief Procurement Officer of the agency, or  
23 the equivalent officials of the agency, shall use the infor-  
24 mation developed pursuant to the comprehensive assess-

1 ment of the agency under section 3(a) to develop a plan  
2 for the agency to—

3 (1) consolidate software licenses of the agency;

4 and

5 (2) to the greatest extent practicable, in order  
6 to improve the performance of, or reduce unneces-  
7 sary costs to, the agency, adopt enterprise license  
8 agreements across the agency.

9 (b) PLAN REQUIREMENTS.—The plan of an agency  
10 shall—

11 (1) include a detailed strategy for—

12 (A) the remediation of any software asset  
13 management deficiencies found during the com-  
14 prehensive assessment of the agency;

15 (B) the ongoing maintenance of software  
16 asset management upon the completion of the  
17 remediation; and

18 (C) maximizing the effectiveness of soft-  
19 ware deployed by the agency, including, to the  
20 extent practicable, leveraging technologies  
21 that—

22 (i) provide in-depth analysis of user  
23 behaviors and collect user feedback;



1 (ii) measure actual software usage via  
2 analytics that can identify inefficiencies to  
3 assist in rationalizing software spending;

4 (iii) allow for segmentation of the user  
5 base; and

6 (iv) support effective governance and  
7 compliance in the use of software;

8 (2) identify not fewer than 5 categories of soft-  
9 ware the agency will prioritize for conversion to en-  
10 terprise licenses as the software entitlements, con-  
11 tracts, and other agreements or arrangements for  
12 those categories come up for renewal or renegoti-  
13 ation;

14 (3) provide an estimate of the costs to move to  
15 enterprise, open-source, or other licenses that do not  
16 restrict the use of software by the agency, and any  
17 projected cost savings or efficiency measures;

18 (4) identify potential mitigations to minimize  
19 software license restrictions on how such software  
20 can be deployed or accessed, either on desktop or  
21 server hardware or through a cloud service provider;

22 (5) include any estimates for additional re-  
23 sources, services, or support the agency may need to  
24 execute the enterprise licensing position plan; and

1           (6) include any additional information, data, or  
2           analysis determined necessary by the Chief Informa-  
3           tion Officer, or other equivalent official, of the agen-  
4           cy.

5           (c) SUPPORT.—The Chief Information Officer, or  
6           other equivalent official, of an agency may request support  
7           from the Director and the Administrator for any analysis  
8           or developmental needs to create the plan of the agency.

9           (d) SUBMISSION.—Not later than 120 days after the  
10          date on which the Chief Information Officer, or other  
11          equivalent official, of an agency submits the comprehen-  
12          sive assessment pursuant to section 3(c), the head of the  
13          agency shall submit to the Director, the Committee on  
14          Homeland Security and Governmental Affairs of the Sen-  
15          ate, and the Committee on Oversight and Reform of the  
16          House of Representatives the plan of the agency.

17          **SEC. 5. GOVERNMENT-WIDE STRATEGY.**

18          (a) IN GENERAL.—Not later than 2 years after the  
19          date of enactment of this Act, the Director, in consultation  
20          with the Administrator and the Federal Chief Information  
21          Officers Council, shall submit to the Committee on Home-  
22          land Security and Governmental Affairs of the Senate and  
23          the Committee on Oversight and Reform of the House of  
24          Representatives a strategy that includes—

1 (1) proposals to support the adoption of Gov-  
2 ernment-wide enterprise licenses on the most widely  
3 used and most costly software entitlements identified  
4 through the comprehensive assessment and plans,  
5 including, where appropriate, a cost-benefit analysis;

6 (2) opportunities to leverage Government pro-  
7 curement policies and practices to increase inter-  
8 operability of software entitlements acquired and de-  
9 ployed to reduce costs and improve performance;

10 (3) the incorporation of data on spending by  
11 agencies on, the performance of, and management  
12 by agencies of software entitlements as part of the  
13 information required under section 11302(c)(3)(B)  
14 of title 40, United States Code;

15 (4) where applicable, directions to agencies to  
16 transition to open-source software to obtain cost sav-  
17 ings and performance improvement; and

18 (5) any other information or data collected or  
19 analyzed by the Director.

20 (b) BUDGET SUBMISSION.—

21 (1) FIRST BUDGET.—With respect to the first  
22 budget of the President submitted under section  
23 1105(a) of title 31, United States Code, on or after  
24 the date that is 2 years after the date of enactment  
25 of this Act, the Director shall ensure that the strat-

1       egy required under subsection (a) of this section and  
2       the plan of each agency are included in the budget  
3       justification materials of each agency submitted in  
4       conjunction with that budget.

5           (2) SUBSEQUENT 5 BUDGETS.—With respect to  
6       the first 5 budgets of the President submitted under  
7       section 1105(a) of title 31, United States Code,  
8       after the budget described in paragraph (1), the Di-  
9       rector shall—

10           (A) designate performance metrics for  
11           agencies for common software licensing, man-  
12           agement, and cost criteria; and

13           (B) ensure that the progress of each agen-  
14           cy toward the performance metrics is included  
15           in the budget justification materials of the  
16           agency submitted in conjunction with that  
17           budget.

18 **SEC. 6. GAO REPORT.**

19       Not later than 3 years after the date of enactment  
20       of this Act, the Comptroller General of the United States  
21       shall submit to the Committee on Homeland Security and  
22       Governmental Affairs of the Senate and the Committee  
23       on Oversight and Reform of the House of Representatives  
24       a report on Government-wide trends, comparisons among  
25       agencies, and other analyses of plans and the strategy re-

1 quired under section 5(a) by the Comptroller General of  
2 the United States.