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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

To enhance the procurement of information technology by establishing a United States Digital Government Office and United States Chief Information Officer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. ESHOO (for herself, Mr. CONNOLLY, Mr. HANNA, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on _____

A BILL

To enhance the procurement of information technology by establishing a United States Digital Government Office and United States Chief Information Officer, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Reforming Federal Procurement of Information Tech-
6 nology Act” or “RFP–IT Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Increase in simplified acquisition threshold for information technology projects.
- Sec. 3. Permanent authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 4. Presidential Innovation Fellows Program.
- Sec. 5. Redesignation of Office and Administrator of Electronic Government as United States Digital Government Office and United States Chief Information Officer.
- Sec. 6. Digital Service Pilot Program.
- Sec. 7. Analysis and report on streamlining and strengthening IT Schedule 70.
- Sec. 8. Report by Government Accountability Office on information technology acquisition by the Federal Government.
- Sec. 9. Improving the quality of information technology solicitations.
- Sec. 10. FAR Council membership for Administrator of Small Business Administration.

3 **SEC. 2. INCREASE IN SIMPLIFIED ACQUISITION THRESH-**
4 **OLD FOR INFORMATION TECHNOLOGY**
5 **PROJECTS.**

6 (a) INCREASE.—Section 134 of title 41, United
7 States Code, is amended by striking “means \$100,000.”
8 and inserting the following: “means—
9 “(1) \$100,000; or
10 “(2) in the case of a contract for the purchase
11 of information technology (as such term is defined in
12 section 11101 of title 40) services from a small busi-
13 ness concern (as such term is defined in section 3(a)
14 of the Small Business Act (15 U.S.C. 632(a)),
15 \$500,000.”.

16 (b) CONSTRUCTION.—Nothing in the amendment
17 made by subsection (a) shall be construed as affecting ad-
18 justments made by, or the authority of, the Federal Acqui-

1 sition Regulatory Council under section 1908 of title 41,
2 United States Code (relating to inflation adjustment of ac-
3 quisition-related dollar thresholds).

4 **SEC. 3. PERMANENT AUTHORITY FOR USE OF SIMPLIFIED**
5 **ACQUISITION PROCEDURES FOR CERTAIN**
6 **COMMERCIAL ITEMS.**

7 Section 4202 of the Clinger-Cohen Act of 1996 (divi-
8 sion D of Public Law 104–106; 10 U.S.C. 2304 note) is
9 amended by striking subsection (e).

10 **SEC. 4. PRESIDENTIAL INNOVATION FELLOWS PROGRAM.**

11 (a) ESTABLISHMENT.—There is established within
12 the General Services Administration a program to be
13 known as the “Presidential Innovation Fellows Program”
14 (in this section referred to as the “Program”).

15 (b) PURPOSE.—The purpose of the Program is to
16 bridge the gap between the private sector and the public
17 sector by bringing non-Government innovators into the
18 Government to work collaboratively for a period of time
19 with Government innovators in order to rapidly solve chal-
20 lenges of national importance.

21 (c) ADMINISTRATION.—The Administrator of Gen-
22 eral Services shall administer the Program.

23 (d) FELLOWS.—

1 (1) SELECTION OF FELLOWS.—The Adminis-
2 trator of General Services shall select Presidential
3 Innovation Fellows for participation in the Program.

4 (2) LENGTH OF FELLOWSHIPS.—Each fellow-
5 ship in the Program shall last 6 to 13 months, at
6 the discretion of the Administrator of General Serv-
7 ices.

8 (3) QUALIFICATIONS.—In order to participate
9 in the Program, a candidate for fellow shall be a cit-
10 izen of the United States and able to fulfill the du-
11 ties of the role for which the candidate applies.

12 **SEC. 5. REDESIGNATION OF OFFICE AND ADMINISTRATOR**
13 **OF ELECTRONIC GOVERNMENT AS UNITED**
14 **STATES DIGITAL GOVERNMENT OFFICE AND**
15 **UNITED STATES CHIEF INFORMATION OFFI-**
16 **CER.**

17 (a) REDESIGNATION OF OFFICE AS UNITED STATES
18 DIGITAL GOVERNMENT OFFICE.—Section 3602(a) of title
19 44, United States Code, is amended by striking “Office
20 of Electronic Government” and inserting “an office to be
21 known as the ‘United States Digital Government Office’
22 or ‘United States DGO’”.

23 (b) REDESIGNATION OF HEAD OF OFFICE AS
24 UNITED STATES CHIEF INFORMATION OFFICER.—Sec-
25 tion 3602(b) of such title is amended to read as follows:

1 “(b) There shall be at the head of the office an officer
2 who shall be known as the United States Chief Informa-
3 tion Officer (referred to in this section as the ‘United
4 States CIO’), appointed by the President by and with the
5 advice and consent of the Senate. The Director shall dele-
6 gate to the United States CIO the authority to administer
7 all functions set forth in this section or any other applica-
8 ble law, except that any such delegation shall not relieve
9 the Director of responsibility for the administration of
10 such functions. The United States CIO shall serve as prin-
11 cipal adviser to the Director on Federal information tech-
12 nology policy.”.

13 (c) CONFORMING AMENDMENTS.—Section 3602 of
14 such title is further amended—

15 (1) in subsection (c), by striking “Adminis-
16 trator” and inserting “United States CIO”;

17 (2) in subsections (d), (e), and (f), by striking
18 “Administrator” the first place it appears and in-
19 serting “United States CIO”; and

20 (3) in subsections (f)(16) and (g), by striking
21 “Office of Electronic Government” and inserting
22 “United States Digital Government Office”.

23 (d) REFERENCES.—As of the date of the enactment
24 of this Act, any reference in law or regulation to the Office
25 of Electronic Government and the Administrator of the

1 Office of Electronic Government shall be deemed to refer
2 to the United States Digital Government Office and the
3 United States Chief Information Officer, respectively.

4 **SEC. 6. DIGITAL SERVICE PILOT PROGRAM.**

5 (a) ESTABLISHMENT.—There is established within
6 the United States Digital Government Office a pilot pro-
7 gram to be known as the “Digital Service Pilot Program”
8 (in this section referred to as the “Pilot Program”).

9 (b) PURPOSE.—The purpose of the Pilot Program is
10 to provide digital service experts to support executive
11 agencies on high-priority Federal information technology
12 projects. The Pilot Program shall be carried out in accord-
13 ance with this section and may include the initiative in
14 the Office of Management and Budget to provide such dig-
15 ital service experts.

16 (c) HEAD OF DIGITAL SERVICE PILOT PROGRAM.—
17 The United States Chief Information Officer shall admin-
18 ister the Pilot Program.

19 (d) PROJECTS.—

20 (1) MINIMUM NUMBER.—During the three-year
21 period beginning on the date of the enactment of
22 this Act, the Pilot Program shall initiate and com-
23 plete no fewer than five high-priority Federal infor-
24 mation technology projects in partnership with exec-
25 utive agencies.

1 (2) SPECIFIC AGENCY PROJECTS.—Of the
2 projects required under this subsection, at least one
3 project shall be initiated in each of the following en-
4 tities:

5 (A) The Office of Management and Budg-
6 et.

7 (B) The General Services Administration.

8 (C) The Department of Homeland Secu-
9 rity.

10 (D) The Department of Veterans Affairs.

11 (E) The Small Business Administration.

12 (e) DEFINITION.—In this section, the term “execu-
13 tive agency” has the meaning provided that term by sec-
14 tion 105 of title 5, United States Code.

15 **SEC. 7. ANALYSIS AND REPORT ON STREAMLINING AND**
16 **STRENGTHENING IT SCHEDULE 70.**

17 (a) ANALYSIS REQUIREMENT.—The Administrator of
18 General Services shall conduct an in-depth analysis of IT
19 Schedule 70. The analysis shall cover, at a minimum, the
20 following:

21 (1) Methods to enhance the administration of
22 IT Schedule 70.

23 (2) Identification of the most onerous or bur-
24 densome requirements related to using IT Schedule
25 70.

1 (3) Methods to lower barriers to entry to using
2 IT Schedule 70, to ensure that innovative informa-
3 tion technology firms are not discouraged by super-
4 fluous or unnecessary barriers.

5 (4) Ways to ensure that the Federal Govern-
6 ment has direct access to the Nation's most innova-
7 tive technology firms, which includes attracting com-
8 panies that operate solely in the commercial market-
9 place.

10 (b) REPORT REQUIREMENT.—The Administrator
11 shall submit to Congress a report on the analysis con-
12 ducted under subsection (a), not later than 365 days after
13 the date of the enactment of this Act. The report shall
14 include the results of the analysis and specific rec-
15 ommendations on potential administrative and statutory
16 modifications that would eliminate or fix any problems
17 identified in the report.

18 (c) IT SCHEDULE 70 DEFINED.—In this section, the
19 term “IT Schedule 70” means the multiple award supply
20 schedule of the General Services Administration for the
21 procurement of information technology.

1 **SEC. 8. REPORT BY GOVERNMENT ACCOUNTABILITY OF-**
2 ****OFFICE ON INFORMATION TECHNOLOGY ACQUI-****
3 ****SITION BY THE FEDERAL GOVERNMENT.****

4 (a) REPORT REQUIREMENT.—The Comptroller Gen-
5 eral of the United States shall submit to Congress one
6 or more reports on the following:

7 (1) The effectiveness of the 18F program of the
8 General Services Administration.

9 (2) IT Schedule 70 (as defined in section 7), in-
10 cluding the manner in which the Schedule does or
11 does not enable agencies to have access to effective,
12 up-to-date technology at competitive prices from the
13 best technology firms.

14 (3) Challenges and barriers to entry for small
15 business technology firms, including the reasons why
16 certain small business technology firms that are suc-
17 cessful in the private sector decide not to enter the
18 Federal marketplace.

19 (b) DEADLINE.—The Comptroller General shall sub-
20 mit a report or reports under subsection (a) not later than
21 2 years after the date of the enactment of this Act.

22 **SEC. 9. IMPROVING THE QUALITY OF INFORMATION TECH-**
23 ****NOLOGY SOLICITATIONS.****

24 (a) ENHANCED COMMUNICATION BETWEEN GOV-
25 ERNMENT AND INDUSTRY.—Not later than 180 days after
26 the date of the enactment of this Act, the Federal Acquisi-

1 tion Regulation shall be revised to clarify that agency ac-
2 quisition personnel are permitted and encouraged to en-
3 gage in responsible and constructive exchanges with indus-
4 try, so long as those exchanges are consistent with existing
5 law and regulation and do not promote an unfair competi-
6 tive advantage to particular firms.

7 (b) **PRIORITY GOAL FOR INFORMATION TECHNOLOGY**
8 **MANAGEMENT.**—The United States Chief Information Of-
9 ficer, in consultation with the Administrator for Federal
10 Procurement Policy, shall advise the Director of the Office
11 of Management and Budget to ensure that the priority
12 goal for the Federal Government relating to information
13 technology management under section 1120(a)(1)(B)(iii)
14 of title 31, United States Code, addresses improving the
15 performance of Federal agencies in development specifica-
16 tions for a contract for an information technology project.

17 **SEC. 10. FAR COUNCIL MEMBERSHIP FOR ADMINISTRATOR**
18 **OF SMALL BUSINESS ADMINISTRATION.**

19 (a) **ADDITION OF ADMINISTRATOR OF SMALL BUSI-**
20 **NESS ADMINISTRATION TO FEDERAL ACQUISITION REGU-**
21 **LATORY COUNCIL.**—Section 1302(b) of title 41, United
22 States Code, is amended—

23 (1) by striking “and” at the end of subpara-
24 graph (C);

1 (2) by striking the period and inserting “; and”
2 at the end of subparagraph (D); and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(E) the Administrator of the Small Busi-
6 ness Administration.”.

7 (b) CONFORMING AMENDMENTS.—Section
8 1303(a)(1) of such title is amended—

9 (1) by striking “and the Administrator of Na-
10 tional Aeronautics and Space,” and inserting “the
11 Administrator of National Aeronautics and Space,
12 and the Administrator of the Small Business Admin-
13 istration,”; and

14 (2) by striking “and the National Aeronautics
15 and Space Act of 1958 (42 U.S.C. 2451 et seq.),”
16 and inserting “the National Aeronautics and Space
17 Act of 1958 (42 U.S.C. 2451 et seq.), and the Small
18 Business Act (15 U.S.C. 631 et seq.),”.