

113TH CONGRESS
2D SESSION

H. R. 5255

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

JULY 30, 2014

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

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”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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.

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

4 (a) INCREASE.—Section 134 of title 41, United
 5 States Code, is amended by striking “means \$100,000.”
 6 and inserting the following: “means—

7 “(1) \$100,000; or

8 “(2) in the case of a contract for the purchase
 9 of information technology (as such term is defined in
 10 section 11101 of title 40) services from a small busi-
 11 ness concern (as such term is defined in section 3(a)
 12 of the Small Business Act (15 U.S.C. 632(a)),
 13 \$500,000.”.

14 (b) CONSTRUCTION.—Nothing in the amendment
 15 made by subsection (a) shall be construed as affecting ad-
 16 justments made by, or the authority of, the Federal Acqui-
 17 sition Regulatory Council under section 1908 of title 41,

1 United States Code (relating to inflation adjustment of ac-
2 quisition-related dollar thresholds).

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

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

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

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

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

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

22 (d) FELLOWS.—

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

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

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

9 **SEC. 5. REDESIGNATION OF OFFICE AND ADMINISTRATOR**
 10 **OF ELECTRONIC GOVERNMENT AS UNITED**
 11 **STATES DIGITAL GOVERNMENT OFFICE AND**
 12 **UNITED STATES CHIEF INFORMATION OFFI-**
 13 **CER.**

14 (a) REDESIGNATION OF OFFICE AS UNITED STATES
 15 DIGITAL GOVERNMENT OFFICE.—Section 3602(a) of title
 16 44, United States Code, is amended by striking “Office
 17 of Electronic Government” and inserting “an office to be
 18 known as the ‘United States Digital Government Office’
 19 or ‘United States DGO’ ”.

20 (b) REDESIGNATION OF HEAD OF OFFICE AS
 21 UNITED STATES CHIEF INFORMATION OFFICER.—Sec-
 22 tion 3602(b) of such title is amended to read as follows:
 23 “(b) There shall be at the head of the office an officer
 24 who shall be known as the United States Chief Informa-
 25 tion Officer (referred to in this section as the ‘United

1 States CIO’), appointed by the President by and with the
 2 advice and consent of the Senate. The Director shall dele-
 3 gate to the United States CIO the authority to administer
 4 all functions set forth in this section or any other applica-
 5 ble law, except that any such delegation shall not relieve
 6 the Director of responsibility for the administration of
 7 such functions. The United States CIO shall serve as prin-
 8 cipal adviser to the Director on Federal information tech-
 9 nology policy.”.

10 (c) CONFORMING AMENDMENTS.—Section 3602 of
 11 such title is further amended—

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

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

17 (3) in subsections (f)(16) and (g), by striking
 18 “Office of Electronic Government” and inserting
 19 “United States Digital Government Office”.

20 (d) REFERENCES.—As of the date of the enactment
 21 of this Act, any reference in law or regulation to the Office
 22 of Electronic Government and the Administrator of the
 23 Office of Electronic Government shall be deemed to refer
 24 to the United States Digital Government Office and the
 25 United States Chief Information Officer, respectively.

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

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

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

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

16 (d) PROJECTS.—

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

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

1 (A) The Office of Management and Budget
2 et.

3 (B) The General Services Administration.

4 (C) The Department of Homeland Security.
5

6 (D) The Department of Veterans Affairs.

7 (E) The Small Business Administration.

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

11 **SEC. 7. ANALYSIS AND REPORT ON STREAMLINING AND**
12 **STRENGTHENING IT SCHEDULE 70.**

13 (a) ANALYSIS REQUIREMENT.—The Administrator of
14 General Services shall conduct an in-depth analysis of IT
15 Schedule 70. The analysis shall cover, at a minimum, the
16 following:

17 (1) Methods to enhance the administration of
18 IT Schedule 70.

19 (2) Identification of the most onerous or bur-
20 densome requirements related to using IT Schedule
21 70.

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

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

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

14 (c) IT SCHEDULE 70 DEFINED.—In this section, the
15 term “IT Schedule 70” means the multiple award supply
16 schedule of the General Services Administration for the
17 procurement of information technology.

18 **SEC. 8. REPORT BY GOVERNMENT ACCOUNTABILITY OF-**
19 **FICE ON INFORMATION TECHNOLOGY ACQUI-**
20 **SITION BY THE FEDERAL GOVERNMENT.**

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

24 (1) The effectiveness of the 18F program of the
25 General Services Administration.

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

6 (3) Challenges and barriers to entry for small
7 business technology firms, including the reasons why
8 certain small business technology firms that are suc-
9 cessful in the private sector decide not to enter the
10 Federal marketplace.

11 (b) DEADLINE.—The Comptroller General shall sub-
12 mit a report or reports under subsection (a) not later than
13 2 years after the date of the enactment of this Act.

14 **SEC. 9. IMPROVING THE QUALITY OF INFORMATION TECH-**
15 **NOLOGY SOLICITATIONS.**

16 (a) ENHANCED COMMUNICATION BETWEEN GOV-
17 ERNMENT AND INDUSTRY.—Not later than 180 days after
18 the date of the enactment of this Act, the Federal Acquisi-
19 tion Regulation shall be revised to clarify that agency ac-
20 quisition personnel are permitted and encouraged to en-
21 gage in responsible and constructive exchanges with indus-
22 try, so long as those exchanges are consistent with existing
23 law and regulation and do not promote an unfair competi-
24 tive advantage to particular firms.

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

11 **SEC. 10. FAR COUNCIL MEMBERSHIP FOR ADMINISTRATOR**
 12 **OF SMALL BUSINESS ADMINISTRATION.**

13 (a) ADDITION OF ADMINISTRATOR OF SMALL BUSI-
 14 NESS ADMINISTRATION TO FEDERAL ACQUISITION REGU-
 15 LATORY COUNCIL.—Section 1302(b) of title 41, United
 16 States Code, is amended—

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

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

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

23 “(E) the Administrator of the Small Busi-
 24 ness Administration.”.

1 (b) CONFORMING AMENDMENTS.—Section
2 1303(a)(1) of such title is amended—

3 (1) by striking “and the Administrator of Na-
4 tional Aeronautics and Space,” and inserting “the
5 Administrator of National Aeronautics and Space,
6 and the Administrator of the Small Business Admin-
7 istration,”; and

8 (2) by striking “and the National Aeronautics
9 and Space Act of 1958 (42 U.S.C. 2451 et seq.),”
10 and inserting “the National Aeronautics and Space
11 Act of 1958 (42 U.S.C. 2451 et seq.), and the Small
12 Business Act (15 U.S.C. 631 et seq.),”.

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