

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5792
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “State and Local Digital
3 Service Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

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

9 (2) DIGITAL SERVICE AGREEMENT.—The term
10 “digital service agreement” means a grant awarded
11 or a cooperative agreement or memorandum of un-
12 derstanding entered into under section 3.

13 (3) DIGITAL SERVICE TEAM.—The term “dig-
14 ital service team” means a team of employees of an
15 eligible applicant that extends existing software de-
16 velopment capacity and directly supports and im-
17 proves service delivery, focusing on user-centered de-

1 sign and development practices through the use of
2 modern product development techniques, such as—

3 (A) user research and design;

4 (B) incremental and iterative outcome
5 driven delivery practices; and

6 (C) procurement and funding practices for
7 software development that rely on outcome-driv-
8 en, modular contracts.

9 (4) ELIGIBLE APPLICATION.—The term “eligi-
10 ble applicant” means a State, eligible Tribal govern-
11 ment, or unit of local government, or any instrument
12 thereof.

13 (5) ELIGIBLE TRIBAL GOVERNMENT.—The
14 term “eligible Tribal government” means the recog-
15 nized governing body of any Indian or Alaska Native
16 Tribe, band, nation, pueblo, village, community,
17 component band, or component reservation, individ-
18 ually identified (including parenthetically) in the list
19 published most recently as of the date of enactment
20 of this Act pursuant to section 104 of the Federally
21 Recognized Indian Tribe List Act of 1994 (25
22 U.S.C. 5131).

23 (6) SPECIALIZED OR TECHNICAL SERVICES.—
24 The term “specialized or technical services” means
25 statistical and other studies and compilations, devel-

1 opment projects, technical tests and evaluations,
2 technical information, training activities, surveys, re-
3 ports, documents, products, platforms, and other
4 similar services.

5 (7) STATE.—The term “State” has the mean-
6 ing given that term in section 549(a) of title 40,
7 United States Code.

8 (8) UNDERSERVED OR DISADVANTAGED COM-
9 MUNITY.—the term “underserved or disadvantaged
10 community” means—

11 (A) a low-income community;

12 (B) a community of color;

13 (C) a Tribal community;

14 (D) a rural community;

15 (E) aging individuals;

16 (F) individuals with disabilities;

17 (G) individuals with a language barrier, in-
18 cluding individuals who—

19 (i) are English learners; or

20 (ii) have low levels of literacy;

21 (H) veterans; or

22 (I) any other community that the Adminis-
23 trator determines is disproportionately vulner-
24 able to, or bears a disproportionate burden of,

1 any combination of economic, social, environ-
2 mental, or climate stressors.

3 (9) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means a city, county,
5 township, town, borough, parish, village, or other
6 general purpose political subdivision of a State.

7 **SEC. 3. DIGITAL SERVICE AGREEMENT.**

8 (a) IN GENERAL.—The Administrator, in consulta-
9 tion with the Administrator of the United States Digital
10 Service, shall establish a Digital Service Agreement Pro-
11 gram, under which the Administrator shall award grants
12 to, or enter into cooperative agreements or memoranda of
13 understanding with, eligible applicants in accordance with
14 the requirements of this section for the purpose of plan-
15 ning, establishing, or supporting a digital service team or
16 supporting digital services collaboration between digital
17 service teams to improve the delivery of government assist-
18 ance through digital services.

19 (b) DIGITAL SERVICE AGREEMENT CRITERIA.—In
20 considering whether to execute a digital service agreement
21 under this section, the Administrator, in consultation with
22 the Administrator of the United States Digital Service,
23 shall consider—

24 (1) evidence of significant executive support
25 from the eligible applicant for the establishment of

1 digital service teams and a commitment to modern-
2 izing government technology and service delivery;

3 (2) evidence of the ability and commitment of
4 the eligible applicant to ensure sustainment of dig-
5 ital service teams after the end of the digital services
6 agreement, including financial resources and any ad-
7 ministrative changes that may be necessary;

8 (3) the extent to which the eligible applicant
9 may be able, and is committed, to adopting innova-
10 tive procurement and service design practices;

11 (4) whether the eligible applicant would be oth-
12 erwise unable to establish or support digital service
13 teams without a digital service agreement;

14 (5) the extent to which the establishment of
15 digital service teams by the eligible applicant is like-
16 ly to lead to improvements in service delivery related
17 to Federal programs;

18 (6) to the extent applicable, whether an eligible
19 applicant intends to support a collaborative agree-
20 ment under subsection (c);

21 (7) whether the eligible applicant will prioritize
22 the use of more than 50 percent of the amounts re-
23 ceived under a digital service agreement for salary
24 and benefits of the members of the digital service
25 team; and

1 (8) any other criteria determined by the Admin-
2 istrator and included in a notice of funding avail-
3 ability made available in advance to all eligible appli-
4 cants.

5 (c) COLLABORATIVE AGREEMENTS.—The Adminis-
6 trator may execute a digital service agreement with 1 or
7 more eligible applicants, in accordance with the criteria
8 established in subsection (b), for the purpose of supporting
9 collaborative service delivery projects across jurisdictional
10 boundaries.

11 (d) PLANNING SUPPORT.—In addition to the digital
12 service agreement criteria under subsection (b), the Ad-
13 ministrators shall, to the greatest extent possible, minimize
14 the burden on eligible applicants in the development of
15 proposals for a digital service agreement, including by pro-
16 viding direct technical assistance to eligible applicants in
17 the preparation applications for digital service agreements.

18 (e) SUPPLEMENT NOT SUPPLANT.—Any awards
19 made as part of a digital service agreement with an eligible
20 applicant shall supplement, not supplant, other Federal,
21 State, local, or Tribal funds that are available to the eligi-
22 ble applicant to carry out activities described in this sec-
23 tion.

24 (f) LIMITATIONS.—

1 (1) TERM.—A digital service agreement shall
2 have a term of not longer than 5 years, unless the
3 Administrator determines that a longer term is war-
4 ranted to ensure significant return on investment or
5 the adoption of innovative practices to meet the re-
6 quirements of the eligible applicant.

7 (2) AMOUNT.—A digital service agreement may
8 not exceed \$10,000,000, unless the Administrator
9 determines that a greater amount is likely to provide
10 a significant return on investment or the adoption of
11 innovative practices to meet the requirements of the
12 eligible applicant.

13 (3) CONGRESSIONAL NOTIFICATION.—Not later
14 than 30 days before the Administrator executes or
15 modifies a digital services agreement that would re-
16 sult in a term in excess of the maximum term speci-
17 fied under paragraph (1) or exceed the maximum
18 amount specified under paragraph (2), the Adminis-
19 trator shall submit to the Committee on Appropria-
20 tions and the Committee on Homeland Security and
21 Governmental Affairs of the Senate and the Com-
22 mittee on Appropriations and Committee on Over-
23 sight and Reform of the House of Representatives
24 notice and an explanation of the reasons for the de-
25 terminations by the Administrator.

1 (g) MATCHING REQUIREMENT.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Federal share of an activity carried
4 out using amounts received under a digital service
5 agreement for establishing or supporting a digital
6 service team shall be not more than 90 percent.

7 (2) WAIVER.—Upon application by an eligible
8 applicant, the Administrator may waive the require-
9 ment under paragraph (1) if the Administrator de-
10 termines that the eligible applicant demonstrates fi-
11 nancial need.

12 (h) SET ASIDES.—

13 (1) IN GENERAL.—From amounts made avail-
14 able in a fiscal year to carry out the Digital Service
15 Agreement Program under this section, the Adminis-
16 trator shall reserve not more than 10 percent for the
17 implementation and administration of the program,
18 which shall include—

19 (A) providing assistance to eligible appli-
20 cants to prepare applications for digital service
21 agreements in accordance with subsection (d);

22 (B) upon request of an eligible applicant
23 whose application is successful, providing tech-
24 nical support and assistance to support the exe-
25 cution of a digital services agreement;

1 (C) assisting eligible applicants in pre-
2 paring and submitting reports required under
3 section 4;

4 (D) conducting outreach to eligible appli-
5 cants regarding opportunities to apply for dig-
6 ital service agreements; and

7 (E) such other actions determined by the
8 Administrator to carry out the program.

9 (2) ELIGIBLE TRIBAL GOVERNMENTS.—From
10 amounts made available in a fiscal year to carry out
11 the Digital Service Agreement Program under this
12 section, the Administrator may use not less than 10
13 percent for digital service agreements with eligible
14 Tribal governments.

15 (i) CONSULTATION AND PUBLIC ENGAGEMENT.—In
16 carrying out this Act, the Administrator shall conduct on-
17 going collaboration and consultation with—

18 (1) the Administrator of the United States Dig-
19 ital Service;

20 (2) State agencies and governors of States (or
21 equivalent officials);

22 (3) national, State, local, and Tribal organiza-
23 tions that have digital service teams or that have
24 particular experience with providing digital services
25 for underserved or disadvantaged communities;

1 (4) researchers, academics, and philanthropic
2 organizations;

3 (5) industry stakeholders that have dem-
4 onstrated experience in designing, developing, and
5 supporting digital services team and modern tech-
6 nology service delivery projects on behalf of public
7 sector clients; and

8 (6) other agencies, organizations, entities, and
9 community stakeholders as determined appropriate
10 by the Administrator.

11 (j) SPENDING LIMITATIONS.—An eligible applicant
12 may use amounts received under a digital service agree-
13 ment for salaries and benefits of members of a digital serv-
14 ice team and other costs related to establishing or ensur-
15 ing the capacity and continuity of a digital service team.

16 **SEC. 4. REPORTING AND EVALUATION.**

17 (a) IN GENERAL.—The Administrator shall require
18 semiannual progress reports from eligible applicants
19 awarded or entering into a digital service agreement, and
20 shall make a publicly available dashboard of service deliv-
21 ery metrics, performance measures, and progress under
22 the terms and conditions of any digital service agreements.

23 (b) AVAILABILITY OF RESULTS TO CONGRESS AND
24 PUBLIC.—The Administrator shall make available on a

1 public website the results from the Digital Service Agree-
2 ment Program, which shall include the following:

3 (1) A description of digital service agreements
4 executed under the Digital Service Agreement Pro-
5 gram, including the following:

6 (A) The cost and scope of each digital
7 service agreement, including the type of agree-
8 ment awarded or entered into and information
9 regarding compliance with the matching re-
10 quirements under section 3(g).

11 (B) The name of each recipient that, as of
12 the date of the report, has a digital services
13 agreement that is in effect, including identi-
14 fying whether the eligible applicant is an eligi-
15 ble Tribal government, a territory of the United
16 States, or an underserved or disadvantaged
17 community.

18 (C) An analysis of common characteristics
19 regarding the full allocation of digital services
20 agreements in effect.

21 (D) An accounting of the expenditure of
22 funds received by an eligible applicant under a
23 digital services agreement and the cost to the
24 Federal Government to administer the Digital
25 Services Agreement Program under this Act.

1 (2) Information regarding successes of, failures
2 of, lessons learned by, opportunities for improvement
3 for, or recommendations related to the Digital Serv-
4 ice Agreement Program or eligible applicants.

5 (3) Any additional information determined nec-
6 essary by the Administrator.

7 **SEC. 5. STATE USE OF FEDERAL RESOURCES.**

8 (a) GENERAL.—In addition to the authority provided
9 by section 3, the Administrator may provide an eligible
10 applicant specialized or technical services on a reimburs-
11 able or non-reimbursable basis.

12 (b) PROHIBITION ON FEDERAL MANDATE.—The Ad-
13 ministrator may not require, as a condition of a digital
14 service agreement, the use of any Federal service, pro-
15 gram, or resources other than as necessary to plan, estab-
16 lish, or support a digital service under this Act.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) AGREEMENTS.—There are authorized to be ap-
19 propriated to the Administrator to carry out this Act
20 \$100,000,000 for each of fiscal years 2022 through 2028.

21 (b) AMOUNTS FOR AUDIT AND OVERSIGHT.—There
22 are authorized to be appropriated to the Inspector General
23 of the General Services Administration \$1,000,000 for the
24 first fiscal year during which digital service agreements
25 are awarded or entered into, and each of the 7 fiscal years

1 thereafter, for audits and oversight of funds made avail-
2 able to carry out this Act.

3 (c) AVAILABILITY.—Amounts made available pursu-
4 ant to subsections (a) and (b) shall remain available until
5 expended.

