

**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 entered into under sec-  
12 tion 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 APPLICANT.—The term “eligible  
10 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 with eligible appli-  
13          cants for the purpose of planning, establishing, or sup-  
14          porting a digital service team or supporting digital services  
15          collaboration between digital service teams to improve the  
16          delivery of government assistance through digital services.

17          (b) DIGITAL SERVICE AGREEMENT CRITERIA.—The  
18          Administrator, in consultation with the Administrator of  
19          the United States Digital Service, shall design the Digital  
20          Service Agreement Program and the consideration of  
21          whether to enter into a digital service agreement, with  
22          clear goals and objectives to improve the delivery of gov-  
23          ernance assistance through digital services in accordance  
24          with the program planning, design, and merit review re-

1 requirements outlined in title 2, Code of Federal Regula-  
2 tions, and with considerations such as the following:

3 (1) Evidence of significant executive support  
4 from the eligible applicant for the establishment of  
5 digital service teams and a commitment to modern-  
6 izing government technology and service delivery.

7 (2) Evidence of the ability and commitment of  
8 the eligible applicant to ensure sustainment of dig-  
9 ital service teams after the end of the digital services  
10 agreement, including financial resources and any ad-  
11 ministrative changes that may be necessary.

12 (3) The extent to which the eligible applicant  
13 may be able, and is committed, to adopting innova-  
14 tive procurement and service design practices.

15 (4) Whether the eligible applicant would be oth-  
16 erwise unable to establish or support digital service  
17 teams without a digital service agreement.

18 (5) The extent to which the establishment of  
19 digital service teams by the eligible applicant is like-  
20 ly to lead to improvements in service delivery related  
21 to Federal programs.

22 (6) To the extent applicable, whether an eligible  
23 applicant intends to support a collaborative agree-  
24 ment under subsection (c).

1           (7) Whether the eligible applicant will prioritize  
2           the use of more than 50 percent of the amounts re-  
3           ceived under a digital service agreement for salary  
4           and benefits of the members of the digital service  
5           team.

6           (8) Any other criteria determined by the Ad-  
7           ministrator.

8           (c) COLLABORATIVE AGREEMENTS.—The Adminis-  
9           trator may execute a digital service agreement with 1 or  
10          more eligible applicants for the purpose of supporting col-  
11          laborative service delivery projects across jurisdictional  
12          boundaries.

13          (d) PLANNING SUPPORT.—

14           (1) MINIMIZATION OF APPLICANT BURDEN.—In  
15           accordance with the digital service agreement cri-  
16           teria described under subsection (b), the Adminis-  
17           trator shall, to the greatest extent possible, minimize  
18           the burden on eligible applicants in the development  
19           of proposals for a digital services agreement, includ-  
20           ing by providing direct technical assistance to eligi-  
21           ble applicants in the preparation of applications for  
22           digital service agreements.

23           (2) NO CHARGE FOR TECHNICAL ASSIST-  
24           ANCE.—The Administrator may not charge a fee to  
25           an eligible applicant for technical assistance provided

1 by the Administrator to carry out the activities in  
2 this subsection.

3 (e) SUPPLEMENT NOT SUPPLANT.—Any award made  
4 as part of a digital service agreement with an eligible ap-  
5 plicant shall supplement, not supplant, other Federal,  
6 State, local, or Federal funds made available to an Indian  
7 Tribe or Tribal government that are available to the eligi-  
8 ble applicant to carry out activities described in this sec-  
9 tion.

10 (f) LIMITATIONS.—

11 (1) TERM.—A digital service agreement shall  
12 have a term of not longer than 5 years, unless the  
13 Administrator determines that a longer term is war-  
14 ranted to ensure significant return on investment or  
15 the adoption of innovative practices by an eligible  
16 applicant.

17 (2) AMOUNT.—A digital service agreement may  
18 not exceed \$10,000,000, unless the Administrator  
19 determines that a greater amount is likely to provide  
20 a significant return on investment or the adoption of  
21 innovative practices to meet the requirements of the  
22 eligible applicant.

23 (3) CONGRESSIONAL NOTIFICATION.—Not later  
24 than 30 days after the Administrator executes or  
25 modifies a digital services agreement that would re-

1       sult in a term in excess of the 5-year term described  
2       under paragraph (1) or exceed the maximum  
3       amount described under paragraph (2), the Adminis-  
4       trator shall submit to the Committee on Appropria-  
5       tions and the Committee on Homeland Security and  
6       Governmental Affairs of the Senate and the Com-  
7       mittee on Appropriations and the Committee on  
8       Oversight and Reform of the House of Representa-  
9       tives a notice and explanation of the reasons for the  
10      determinations by the Administrator.

11      (g) MATCHING REQUIREMENT.—

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

17           (2) WAIVER.—Upon application by an eligible  
18      applicant, the Administrator may waive the require-  
19      ment under paragraph (1) if the Administrator de-  
20      termines that the eligible applicant demonstrates fi-  
21      nancial need.

22      (h) SET ASIDES.—

23           (1) IN GENERAL.—From amounts made avail-  
24      able in a fiscal year to carry out the Digital Service  
25      Agreement Program, the Administrator shall reserve



1 not more than 10 percent for the implementation  
2 and administration of the program, that includes the  
3 following:

4 (A) Providing assistance to eligible appli-  
5 cants to prepare applications for digital service  
6 agreements in accordance with subsection (d).

7 (B) Upon request of an eligible applicant  
8 that enters into a digital service agreement,  
9 providing technical support and assistance to  
10 support the execution of a digital services  
11 agreement.

12 (C) Assisting eligible applicants in pre-  
13 paring and submitting reports required under  
14 section 4.

15 (D) Conducting outreach to eligible appli-  
16 cants regarding opportunities to apply for dig-  
17 ital service agreements.

18 (E) Such other actions determined by the  
19 Administrator to carry out the program.

20 (2) ELIGIBLE TRIBAL GOVERNMENTS.—From  
21 amounts made available in a fiscal year to carry out  
22 the Digital Service Agreement Program, the Admin-  
23 istrator may use at least 10 percent for digital serv-  
24 ice agreements with eligible Tribal governments.

1 (i) CONSULTATION AND PUBLIC ENGAGEMENT.—In  
2 carrying out this Act, the Administrator shall conduct on-  
3 going collaboration and consultation with the following:

4 (1) The Administrator of the United States  
5 Digital Service.

6 (2) State agencies and governors of States (or  
7 equivalent officials).

8 (3) National, State, local, and Tribal organiza-  
9 tions that have digital service teams or that have  
10 particular experience with providing digital services  
11 for underserved or disadvantaged communities.

12 (4) Researchers, academics, and philanthropic  
13 organizations.

14 (5) Industry stakeholders that have dem-  
15 onstrated experience in designing, developing, and  
16 supporting digital services team and modern tech-  
17 nology service delivery projects on behalf of public  
18 sector clients.

19 (6) Other agencies, organizations, entities, and  
20 community stakeholders as determined appropriate  
21 by the Administrator.

22 (j) SPENDING LIMITATIONS.—An eligible applicant  
23 may use amounts received under a digital service agree-  
24 ment for salaries and benefits of members of a digital serv-

1 ice team and other costs related to establishing or ensur-  
2 ing the capacity and continuity of a digital service team.

3 **SEC. 4. REPORTING AND EVALUATION.**

4 (a) IN GENERAL.—The Administrator—

5 (1) shall require interim and final progress re-  
6 ports from any eligible applicant that enters into a  
7 digital service agreement; and

8 (2) shall make a publicly available dashboard of  
9 service delivery metrics, performance measures, and  
10 progress under the terms and conditions of any dig-  
11 ital service agreement.

12 (b) PERFORMANCE METRICS.—With respect to the  
13 Digital Service Agreement Program, the Administrator  
14 shall—

15 (1) in consultation with the Administrator of  
16 the United States Digital Service and the Director  
17 of the Office of Management and Budget, establish  
18 annual performance metrics for the program and  
19 regularly track results against such metrics; and

20 (2) in partnership with the Administrator of the  
21 United States Digital Service and the eligible appli-  
22 cant that enters into a digital service agreement, for  
23 each agreement entered into with the applicant, es-  
24 tablish metrics for the execution of that agreement  
25 that take into account the overall goals of the Dig-

1       ital Service Agreement Program and specific goals  
2       for each individual agreement, and track results  
3       against such metrics.

4       (c) AVAILABILITY OF RESULTS TO CONGRESS AND  
5 PUBLIC.—The Administrator shall make available on a  
6 public website the results from the Digital Service Agree-  
7 ment Program, which shall include the following:

8           (1) A description of digital service agreements  
9       executed under the Digital Service Agreement Pro-  
10      gram, including the following:

11           (A) The cost and scope of each digital  
12      service agreement, including the type of agree-  
13      ment awarded or entered into and information  
14      regarding compliance with the matching re-  
15      quirements under section 3(g).

16           (B) The name of each eligible applicant  
17      that, as of the date of the report, has entered  
18      into a digital services agreement that is in ef-  
19      fect, including identifying whether the applicant  
20      is an eligible Tribal government, a territory of  
21      the United States, or an underserved or dis-  
22      advantaged community.

23           (C) An analysis of common characteristics  
24      regarding the full allocation of digital services  
25      agreements in effect.

1 (D) An accounting of the expenditure of  
2 funds received by an eligible applicant under a  
3 digital services agreement and the cost to the  
4 Federal Government to administer the Digital  
5 Services Agreement Program.

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

10 (3) Metrics required under subsection (b).

11 (4) Any additional information determined nec-  
12 essary by the Administrator.

13 **SEC. 5. ELIGIBLE APPLICANT USE OF FEDERAL RE-**  
14 **SOURCES.**

15 (a) GENERAL.—The Administrator may provide an  
16 eligible applicant specialized or technical services on a re-  
17 imburseable or non-reimbursable basis.

18 (b) PROHIBITION ON FEDERAL MANDATE.—The Ad-  
19 ministrator may not require, as a condition of a digital  
20 service agreement, the use of any Federal service.

21 (c) SEPARATE AGREEMENT.—Except as provided  
22 under section 3(d)(2), when offering reimbursable special-  
23 ized or technical services to an eligible applicant, the Ad-  
24 ministrator shall establish a separate agreement outlining

1 the terms and conditions of the arrangement of such serv-  
2 ices or products.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to the Administrator to carry out this Act  
6 \$100,000,000 for each of fiscal years 2022 through 2028.

7 (b) AMOUNTS FOR AUDIT AND OVERSIGHT.—There  
8 are authorized to be appropriated to the Inspector General  
9 of the General Services Administration \$1,000,000 for the  
10 first fiscal year during which any digital service agreement  
11 is entered into, and each of the 7 fiscal years thereafter,  
12 for audits and oversight of funds made available to carry  
13 out this Act.

14 (c) AVAILABILITY.—Amounts made available under  
15 to subsections (a) and (b) shall remain available until ex-  
16 pended.

