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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To improve Federal technology procurement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BURLISON introduced the following bill; which was referred to the
Committee on _____

A BILL

To improve Federal technology procurement, 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 “Federal Improvement
5 in Technology Procurement Act” or the “FIT Procure-
6 ment Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ACQUISITION WORKFORCE.—The term “ac-
2 quisition workforce” means employees of an execu-
3 tive agency who are responsible for procurement,
4 contracting, program or project management that
5 involves the performance of acquisition-related func-
6 tions, or others as designated by the Chief Acquisi-
7 tion Officer, senior procurement executive, or head
8 of the contracting activity.

9 (2) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator for Federal Pro-
11 curement Policy.

12 (3) CHIEF ACQUISITION OFFICER.—The term
13 “Chief Acquisition Officer” means a Chief Acquisi-
14 tion Officer appointed pursuant to section 1702 of
15 title 41, United States Code.

16 (4) CROSS-FUNCTIONAL.—The term “cross-
17 functional” means a structure in which individuals
18 with different functional expertise or from different
19 areas of an organization work together as a team.

20 (5) EXECUTIVE AGENCY.—The term “executive
21 agency” has the meaning given the term in section
22 133 of title 41, United States Code.

23 (6) EXPERIENTIAL LEARNING.—The term “ex-
24 periential learning” means on-the-job experiences or

1 simulations that serve to enhance workforce profes-
2 sional skills.

3 (7) INFORMATION AND COMMUNICATIONS
4 TECHNOLOGY.—The term “information and commu-
5 nications technology”—

6 (A) has the meaning given the term in sec-
7 tion 4713(k) of title 41, United States Code;
8 and

9 (B) includes information and communica-
10 tions technologies covered by any definition con-
11 tained in the Federal Acquisition Regulation,
12 including a definition added after the date of
13 the enactment of this Act by the Federal Acqui-
14 sition Regulatory Council pursuant to notice
15 and comment.

16 (8) RELEVANT COMMITTEES OF CONGRESS.—
17 The term “relevant committees of Congress” means
18 the Committee on Homeland Security and Govern-
19 mental Affairs of the Senate and the Committee on
20 Oversight and Accountability of the House of Rep-
21 resentatives.

22 (9) SENIOR PROCUREMENT EXECUTIVE.—The
23 term “senior procurement executive” means a senior
24 procurement executive designated pursuant to sec-
25 tion 1702(c) of title 41, United States Code.

1 (10) **SMALL BUSINESS.**—The term “small busi-
2 ness” has the meaning given the term “small busi-
3 ness concern” in section 3 of the Small Business Act
4 (15 U.S.C. 632).

5 **SEC. 3. ACQUISITION WORKFORCE.**

6 (a) **EXPERIENTIAL LEARNING.**—Not later than 18
7 months after the date of the enactment of this Act, the
8 Federal Acquisition Institute shall establish a pilot pro-
9 gram to consider the incorporation of experiential learning
10 into the Federal Credentials Program, the Federal Acqui-
11 sition Certification-Contracting Officer’s Representative
12 Program, and the Federal Acquisition Certification for
13 Program and Project Managers Program, or any suc-
14 cessor program.

15 (b) **TRAINING ON INFORMATION AND COMMUNICA-**
16 **TIONS TECHNOLOGY ACQUISITION.**—

17 (1) **IN GENERAL.**—Not later than 18 months
18 after the date of the enactment of this Act, the Di-
19 rector of the Federal Acquisition Institute, in coordi-
20 nation with the Administrator, the Administrator of
21 General Services, and the Administrator of the Of-
22 fice of Electronic Government, and in consultation
23 with the heads of other executive agencies as deter-
24 mined to be appropriate by the Director of the Fed-
25 eral Acquisition Institute, shall develop and imple-

1 ment or otherwise provide a cross-functional infor-
2 mation and communications technology acquisition
3 training program for acquisition workforce members
4 involved in acquiring information and communica-
5 tions technology. The training shall do the following:

6 (A) Include learning objectives related to
7 market research, communicating with industry
8 and industry perspectives on the procurement
9 process, including how investment decisions are
10 impacted by Government communication and
11 engagement, developing requirements, acquisi-
12 tion planning, best practices for developing and
13 executing outcome-based contracts, and source
14 selection strategy, evaluating proposals, and
15 awarding and administering contracts for infor-
16 mation and communications technology.

17 (B) Include learning objectives that pro-
18 vide a basic understanding of key technologies
19 executive agencies need, such as cloud com-
20 puting, artificial intelligence and artificial intel-
21 ligence-enabled applications, and cybersecurity
22 solutions.

23 (C) Include learning objectives that en-
24 courage the use of commercial or commercially

1 available off-the-shelf technologies to the great-
2 est extent practicable.

3 (D) Include case studies of lessons learned
4 from Federal information and communications
5 technology procurements and contracts, and re-
6 lated matters as determined to be relevant by
7 the Director of the Federal Acquisition Insti-
8 tute.

9 (E) Include experiential learning opportu-
10 nities, and opportunities to practice acquisition
11 teaming involving collaboration of team mem-
12 bers with varied relevant domain expertise to
13 complete acquisition-related tasks, including
14 tasks with accelerated timelines.

15 (F) Include continuous learning rec-
16 ommendations and resources to keep the skills
17 of acquisition workforce members current, in-
18 cluding tools that help adopt or adapt the use
19 of innovative acquisition practices or other flexi-
20 ble business practices commonly used in com-
21 mercial buys.

22 (G) Be made available to acquisition work-
23 force members designated by a Chief Acquisi-
24 tion Officer, senior procurement executive, or

1 head of the contracting activity to participate in
2 the training program.

3 (H) Inform executive agencies about
4 streamlined and alternative procurement meth-
5 ods for procurement of information and com-
6 munications technology, including—

7 (i) simplified procedures for certain
8 commercial products and commercial serv-
9 ices in accordance with subpart 13.5 of the
10 Federal Acquisition Regulation, prize com-
11 petitions under the America COMPETES
12 Reauthorization Act of 2010 (Public Law
13 111–358), competitive programs that en-
14 courage businesses to engage in Federal
15 research or research and development with
16 the potential for commercialization, and
17 joint venture partnerships;

18 (ii) innovative procurement techniques
19 designed to streamline the procurement
20 process and lower barriers to entry, such
21 as use of oral presentations and product
22 demonstrations instead of lengthy written
23 proposals, appropriately leveraging per-
24 formance and outcomes-based contracting,
25 and other techniques discussed on the

1 Periodic Table of Acquisition Innovations
2 or other similar successor knowledge man-
3 agement portals; and

4 (iii) information on appropriate use,
5 examples and templates, and any other in-
6 formation determined relevant by the Ad-
7 ministrators to assist contracting officers
8 and other members of the acquisition
9 workforce in using the procedures de-
10 scribed in clauses (i) and (ii).

11 (I) Incorporate learning objectives to iden-
12 tify and mitigate waste, fraud, and abuse and
13 ensure the protection of established privacy,
14 civil rights, and civil liberties in the procure-
15 ment process.

16 (2) REPORT.—Not later than 2 years after the
17 date of the enactment of this Act, the Director of
18 the Federal Acquisition Institute shall provide to the
19 relevant committees of Congress, the Chief Acquisi-
20 tion Officers Council, and the Chief Information Of-
21 ficers Council—

22 (A) a report on the progress of the Direc-
23 tor in developing and implementing or otherwise
24 providing the information and communications

1 technology acquisition training described in
2 paragraph (1); and

3 (B) a list of any acquisition training that
4 the Director determines to be outdated or no
5 longer necessary.

6 (3) DURATION.—The training program shall be
7 updated as appropriate, but at least every 2 years
8 after implementation, and offered for a minimum of
9 6 years following the date of implementation of the
10 training program.

11 (c) ACQUISITION WORKFORCE TRAINING FUND.—
12 Section 1703(i)(3) of title 41, United States Code, is
13 amended by striking “Five percent” and inserting “Seven
14 and a half percent”.

15 (d) HARMONIZATION OF ACQUISITION WORKFORCE
16 TRAINING REQUIREMENTS.—Section 2 of the Artificial
17 Intelligence Training for the Acquisition Workforce Act
18 (Public Law 117–207; 41 U.S.C. 1703 note) is amend-
19 ed—

20 (1) in subsection (a)(4), by striking “DIREC-
21 TOR.—The term ‘Director’ means the Director of
22 the Office of Management and Budget.” and insert-
23 ing “ADMINISTRATOR.—The term ‘Administrator’
24 means the Administrator of General Services.”.

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “Direc-
2 tor, in coordination with the Administrator of
3 General Services and any other person deter-
4 mined relevant by the Director” and inserting
5 “Administrator, in coordination with the Direc-
6 tor of the Office of Management and Budget”;

7 (B) in paragraph (4), by striking “Direc-
8 tor” and inserting “Administrator”;

9 (C) in paragraph (5), by striking “Direc-
10 tor” and inserting “Administrator”; and

11 (D) in paragraph (6), by striking “Direc-
12 tor” and inserting “Administrator”.

13 **SEC. 4. INNOVATIVE PROCUREMENT METHODS.**

14 (a) INCREASE IN SIMPLIFIED ACQUISITION THRESH-
15 OLD.—Section 134 of title 41, United States Code, is
16 amended by striking “\$250,000” and inserting
17 “\$500,000”.

18 (b) INCREASE IN MICRO PURCHASE THRESHOLD.—
19 Section 1902(a)(1) of title 41, United States Code, is
20 amended by striking “\$10,000” and inserting “\$25,000.”.

21 (c) ADVANCES FOR COMMERCIAL TECHNOLOGY SUB-
22 SCRIPTIONS AND TENANCY.—Section 3324(d) of title 31,
23 United States Code, is amended—

24 (1) in paragraph (1)(C), by striking “; and”
25 and inserting a semicolon;

1 (2) in paragraph (2)—

2 (A) by inserting “or commercially available
3 content” after “publication”; and

4 (B) by striking the period at the end and
5 inserting “; and”; and

6 (3) by adding at the end the following new
7 paragraph:

8 “(3) charges for information and communica-
9 tions technology subscriptions, reservations, or ten-
10 ancy, which means the sharing of computing re-
11 sources in a private or public environment, including
12 cloud environments, for which the ordering agency
13 defines appropriate access and security standards.”.

14 **SEC. 5. INCREASING COMPETITION IN FEDERAL CON-**
15 **TRACTING.**

16 (a) USE OF PAST PERFORMANCE.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this Act, the Adminis-
19 trator shall issue guidance, including examples and
20 templates where appropriate, on—

21 (A) when a wider range of projects, such
22 as commercial or non-government, as well as
23 Government projects, should be accepted as rel-
24 evant past performance, in order to have in-
25 creased competition among eligible firms with

1 capability to perform a requirement, such as a
2 requirement without much precedent;

3 (B) a means by which an agency may vali-
4 date non-government past performance ref-
5 erences, such as by requiring an official of an
6 entity providing past performance references to
7 attest to their authenticity and by providing
8 verifiable contact information for the references;
9 and

10 (C) use of alternative evaluation methods
11 other than past performance that may be ap-
12 propriate for a requirement without much
13 precedent, such as demonstrations and testing
14 of technologies as part of the proposal process.

15 (2) SUPPLEMENT NOT SUPPLANT.—The guid-
16 ance issued under paragraph (1) shall supplement
17 existing Federal and agency policy and procedures
18 for consideration of past performance and other
19 evaluation factors and methods.

20 (b) ENHANCING COMPETITION IN FEDERAL PRO-
21 CUREMENT.—

22 (1) COUNCIL RECOMMENDATIONS.—Not later
23 than 90 days after the date of the enactment of this
24 Act, the Administrator shall convene the Chief Ac-
25 quisition Officers Council (in this section referred to

1 as the “Council”), to make recommendations to
2 identify and eliminate specific, unnecessary proce-
3 dural barriers that disproportionately affect the abil-
4 ity of small businesses to compete for Federal con-
5 tracts, with a focus on streamlining documentation
6 and qualification requirements unrelated to the pro-
7 tection of privacy and civil liberties.

8 (2) CONSULTATION.—The Council shall obtain
9 input from the public, including from the APEX Ac-
10 celerators program (formerly known as Procurement
11 Technical Assistance Center network) and other con-
12 tractor representatives, to identify Federal procure-
13 ment policies and regulations that are obsolete, over-
14 ly burdensome or restrictive, not adequately har-
15 monized, or otherwise serve to create barriers to
16 small business participation in Federal contracting
17 or unnecessarily increase bid and proposal costs.

18 (3) EXAMINATION OF ACTIONS.—The Council
19 shall consider the input obtained under paragraph
20 (2) and any other information determined to be rel-
21 evant by the Council to identify legislative, regu-
22 latory, and other actions to increase competition and
23 remove barriers to small business participation in
24 the procurement process.

1 (4) IMPLEMENTATION.—Not later than 2 years
2 after the date of the enactment of this Act, the Ad-
3 ministrator, in consultation with the Federal Acqui-
4 sition Regulatory Council, the Chief Acquisition Of-
5 ficers Council, and other executive agencies as ap-
6 propriate, shall implement the regulatory and other
7 non-legislative actions identified under paragraph
8 (3), as determined necessary by the Administrator,
9 to remove barriers to entry for small businesses
10 seeking to participate in Federal Government pro-
11 curement.

12 (5) BRIEFING.—Not later than 2 years after
13 the date of the enactment of this Act, the Adminis-
14 trator shall brief the relevant committees of Con-
15 gress on the legislative actions identified under para-
16 graph (3), and the actions implemented under para-
17 graph (4).

18 (c) CONSIDERATION OF COST-EFFICIENCY AND
19 QUALITY.—The Administrator shall advocate for and
20 prioritize contracting policies that ensure that cost-effi-
21 ciency and quality of goods and services are key deter-
22 mining factors in awarding Federal contracts.

1 **SEC. 6. COMPTROLLER GENERAL ASSESSMENT OF SMALL**
2 **BUSINESS PARTICIPATION IN FEDERAL PRO-**
3 **CUREMENT.**

4 Not later than 18 months after the date of the enact-
5 ment of this Act, the Comptroller General of the United
6 States shall submit to Congress and make publicly avail-
7 able a report that—

8 (1) assesses the current level of small business
9 participation in Federal procurement, identifying
10 barriers, opportunities, and the impact of existing
11 policies on the ability of small businesses to compete
12 in Federal procurement;

13 (2) catalogs and evaluates the effectiveness of
14 programs intended to support small business partici-
15 pation in Federal procurement; and

16 (3) analyzes trends in small business involve-
17 ment in Federal technology projects, including data
18 on contract awards, the diversity of sectors rep-
19 resented, and the geographic distribution of small
20 business contractors.

21 **SEC. 7. CONFLICT OF INTEREST PROCEDURES.**

22 The Federal Acquisition Regulatory Council and the
23 Administrator shall update the Federal Acquisition Regu-
24 lation as necessary to provide additional guidance to exec-
25 utive agencies to address personal and organizational con-

1 flicts of interest involving members of the acquisition
2 workforce.

3 **SEC. 8. NO ADDITIONAL FUNDING.**

4 No additional funds are authorized to be appro-
5 priated for the purpose of carrying out this Act.