

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4123  
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Improvement  
3 in Technology Procurement Act” or the “FIT Procure-  
4 ment Act”.

**5 SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) ACQUISITION WORKFORCE.—The term “ac-  
8 quisition workforce” means employees of an execu-  
9 tive agency who are responsible for procurement,  
10 contracting, or program or project management that  
11 involves the performance of acquisition-related func-  
12 tions or other employees as designated by the Chief  
13 Acquisition Officer, senior procurement executive, or  
14 head of the contracting activity.

15 (2) ADMINISTRATOR.—The term “Adminis-  
16 trator” means the Administrator for Federal Pro-  
17 curement Policy.

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

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

9           (5) EXECUTIVE AGENCY.—The term “executive  
10          agency” has the meaning given that term in section  
11          133 of title 41, United States Code.

12          (6) EXPERIENTIAL LEARNING.—The term “ex-  
13          periential learning” means on-the-job experiences or  
14          simulations that serve to enhance workforce profes-  
15          sional skills.

16          (7) INFORMATION AND COMMUNICATIONS  
17          TECHNOLOGY.—The term “information and commu-  
18          nications technology”—

19                 (A) has the meaning given that term in  
20                 section 4713(k) of title 41, United States Code;  
21                 and

22                 (B) includes information and communica-  
23                 tions technologies covered by any definition con-  
24                 tained in the Federal Acquisition Regulation,  
25                 including a definition added after the date of

1           the enactment of this Act by the Federal Acqui-  
2           sition Regulatory Council pursuant to notice  
3           and comment.

4           (8) RELEVANT COMMITTEES OF CONGRESS.—  
5           The term “relevant committees of Congress” means  
6           the Committee on Homeland Security and Govern-  
7           mental Affairs of the Senate and the Committee on  
8           Oversight and Government Reform of the House of  
9           Representatives.

10          (9) SENIOR PROCUREMENT EXECUTIVE.—The  
11          term “senior procurement executive” means a senior  
12          procurement executive designated pursuant to sec-  
13          tion 1702(c)(1) of title 41, United States Code.

14          (10) SMALL BUSINESS.—The term “small busi-  
15          ness” has the meaning given the term “small busi-  
16          ness concern” in section 3 of the Small Business Act  
17          (15 U.S.C. 632).

18 **SEC. 3. ACQUISITION WORKFORCE.**

19          (a) EXPERIENTIAL LEARNING.—Not later than 18  
20          months after the date of the enactment of this Act, the  
21          Director of the Federal Acquisition Institute shall estab-  
22          lish a pilot program to consider the incorporation of expe-  
23          riential learning into the Federal Credentials Program,  
24          the Federal Acquisition Certification for Contracting Offi-  
25          cer’s Representatives program, the Federal Acquisition

1 Certification for Program and Project Managers program,  
2 or any successor program.

3 (b) TRAINING ON INFORMATION AND COMMUNICA-  
4 TIONS TECHNOLOGY ACQUISITION.—

5 (1) IN GENERAL.—Not later than 18 months  
6 after the date of the enactment of this Act, the Di-  
7 rector of the Federal Acquisition Institute, in coordi-  
8 nation with the Administrator, the Administrator of  
9 General Services, and the Administrator of the Of-  
10 fice of Electronic Government, and in consultation  
11 with the heads of other executive agencies as deter-  
12 mined to be appropriate by the Director of the Fed-  
13 eral Acquisition Institute, shall develop and imple-  
14 ment or otherwise provide a cross-functional infor-  
15 mation and communications technology acquisition  
16 training program for members of the acquisition  
17 workforce involved in acquiring information and  
18 communications technology that shall do the fol-  
19 lowing:

20 (A) Include learning objectives related to  
21 the following:

22 (i) Market research.

23 (ii) Communicating with and consid-  
24 ering industry perspectives on the procure-  
25 ment process, including how investment de-

1                   cisions are impacted by Government com-  
2                   munication and engagement.

3                   (iii) Developing requirements, acquisi-  
4                   tion planning, best practices for developing  
5                   and executing outcome-based contracts,  
6                   and source selection strategy.

7                   (iv) Evaluating proposals.

8                   (v) Awarding and administering con-  
9                   tracts for information and communications  
10                  technology.

11                 (B) Include learning objectives that pro-  
12                 vide a basic understanding of key technologies  
13                 that executive agencies need, such as cloud  
14                 computing, artificial intelligence and artificial  
15                 intelligence-enabled applications, and cybersecu-  
16                 rity solutions.

17                 (C) Include learning objectives that en-  
18                 courage the use of commercial or commercially  
19                 available off-the-shelf technologies to the great-  
20                 est extent practicable.

21                 (D) Include case studies of lessons learned  
22                 from Federal information and communications  
23                 technology procurements and contracts, and re-  
24                 lated matters as determined to be relevant by

1 the Director of the Federal Acquisition Insti-  
2 tute.

3 (E) Include experiential learning opportu-  
4 nities and opportunities to practice collaborative  
5 acquisition strategies involving team members  
6 with varied relevant domain expertise to com-  
7 plete acquisition-related tasks, including tasks  
8 with accelerated timelines.

9 (F) Include continuous learning rec-  
10 ommendations and resources to keep the skills  
11 of members of the acquisition workforce cur-  
12 rent, including tools that help adopt or adapt  
13 the use of innovative acquisition practices or  
14 other flexible business practices commonly used  
15 in commercial buys.

16 (G) Be made available to members of the  
17 acquisition workforce designated by a Chief Ac-  
18 quisition Officer, senior procurement executive,  
19 or head of the contracting activity to participate  
20 in the training program.

21 (H) Inform executive agencies about  
22 streamlined and alternative procurement meth-  
23 ods for the procurement of information and  
24 communications technology, including the fol-  
25 lowing:

1 (i) Simplified procedures for certain  
2 commercial products and commercial serv-  
3 ices in accordance with subpart 13.5 of the  
4 Federal Acquisition Regulation, prize com-  
5 petitions under the America COMPETES  
6 Reauthorization Act of 2010 (Public Law  
7 111–358), competitive programs that en-  
8 courage businesses to engage in Federal  
9 research or research and development with  
10 the potential for commercialization, and  
11 joint venture partnerships.

12 (ii) Innovative procurement techniques  
13 designed to streamline the procurement  
14 process and lower barriers to entry, such  
15 as the use of oral presentations and prod-  
16 uct demonstrations instead of lengthy writ-  
17 ten proposals, appropriately leveraging per-  
18 formance and outcomes-based contracting,  
19 and other techniques discussed on the  
20 Periodic Table of Acquisition Innovations  
21 or other similar successor knowledge man-  
22 agement portals.

23 (iii) Information on appropriate use,  
24 examples and templates, and any other in-  
25 formation determined relevant by the Ad-

1            administrator to assist contracting officers  
2            and other members of the acquisition  
3            workforce in using the procedures and  
4            techniques described in clauses (i) and (ii).

5            (I) Incorporate learning objectives to iden-  
6            tify and mitigate waste, fraud, and abuse and  
7            ensure the protection of established privacy  
8            rights, civil rights, and civil liberties in the pro-  
9            curement process.

10           (2) REPORT.—Not later than 2 years after the  
11           date of the enactment of this Act, the Director of  
12           the Federal Acquisition Institute shall provide to the  
13           relevant committees of Congress, the Chief Acquisi-  
14           tion Officers Council, and the Chief Information Of-  
15           ficers Council—

16                (A) a report on the progress of the Direc-  
17                tor in developing and implementing or otherwise  
18                providing the training program described in  
19                paragraph (1); and

20                (B) a list of any acquisition training that  
21                the Director determines to be outdated or no  
22                longer necessary.

23           (3) DURATION.—The training program de-  
24           scribed in paragraph (1) shall be updated as appro-  
25           priate (but not less frequently than once every 2

1 years after implementation), and offered not less  
2 than 6 years following the date of implementation of  
3 the training program.

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

8 (d) HARMONIZATION OF ACQUISITION WORKFORCE  
9 TRAINING REQUIREMENTS.—Section 2 of the Artificial  
10 Intelligence Training for the Acquisition Workforce Act  
11 (Public Law 117–207; 41 U.S.C. 1703 note) is amend-  
12 ed—

13 (1) in subsection (a)(4), by striking “DIREC-  
14 TOR.—The term ‘Director’ means the Director of  
15 the Office of Management and Budget.” and insert-  
16 ing “ADMINISTRATOR.—The term ‘Administrator’  
17 means the Administrator of General Services.”; and

18 (2) in subsection (b)—

19 (A) in paragraph (1), by striking “Direc-  
20 tor, in coordination with the Administrator of  
21 General Services and any other person deter-  
22 mined relevant by the Director” and inserting  
23 “Administrator, in coordination with the Direc-  
24 tor of the Office of Management and Budget”;

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

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

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

7 **SEC. 4. INNOVATIVE PROCUREMENT METHODS.**

8 (a) INCREASE IN SIMPLIFIED ACQUISITION THRESH-  
9 OLD.—Section 134 of title 41, United States Code, is  
10 amended by striking “\$250,000” and inserting  
11 “\$500,000”.

12 (b) SIMPLIFIED PROCEDURES FOR SMALL PUR-  
13 CHASES.—Section 1901(a)(2) of title 41, United States  
14 Code, is amended by striking “\$5,000,000” and inserting  
15 “\$10,000,000”.

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

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

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

24 (2) in paragraph (2)—

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

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

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

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

13 **SEC. 5. ADJUSTMENTS TO CERTAIN ACQUISITION THRESH-**  
14 **OLDS.**

15 (a) MAJOR PROGRAM.—Section 109 of title 41,  
16 United States Code, is amended—

17 (1) in subsection (b)(1)—

18 (A) by striking “\$75,000,000 (based on  
19 fiscal year 1980 constant dollars)” and insert-  
20 ing “\$275,000,000 (based on fiscal year 2024  
21 dollars)”; and

22 (B) by striking “\$300,000,000 (based on  
23 fiscal year 1980 constant dollars)” and insert-  
24 ing “\$1,300,000,000 (based on fiscal year 2024  
25 dollars)”; and

1 (2) in subsection (b)(2), by striking “\$750,000  
2 (based on fiscal year 1980 constant dollars)” and in-  
3 serting “\$2,000,000 (based on fiscal year 2024 dol-  
4 lars)”.

5 (b) MODIFICATIONS TO SUBMISSIONS OF COST OR  
6 PRICING DATA.—Section 3502(a) of title 41, United  
7 States Code, is amended—

8 (1) in paragraph (1)—

9 (A) by striking “2018” each place it ap-  
10 pears and inserting “2026”;

11 (B) in subparagraph (A), by striking  
12 “\$2,000,000” and inserting “\$10,000,000”;  
13 and

14 (C) in subparagraph (B), by striking  
15 “\$750,000” and inserting “\$2,000,000”;

16 (2) in paragraph (2)—

17 (A) in subparagraph (A), by striking  
18 “\$2,000,000” and inserting “\$10,000,000”;

19 (B) in subparagraph (B), by striking  
20 “\$750,000” and inserting “\$2,000,000”; and

21 (C) in subparagraph (C), by striking  
22 “\$750,000” and inserting “\$2,000,000”; and

23 (3) in paragraph (3), by striking “chapter  
24 and—” and all that follows and inserting the fol-  
25 lowing: “chapter and—

1 “(i) in the case of a prime contract  
2 entered into after June 30, 2026, the price  
3 of the subcontract is expected to exceed  
4 \$10,000,000; or

5 “(ii) in the case of a prime contract  
6 entered into on or before June 30, 2026,  
7 the price of the subcontract is expected to  
8 exceed \$2,000,000.”.

9 **SEC. 6. INCREASING COMPETITION IN FEDERAL CON-**  
10 **TRACTING.**

11 (a) USE OF PAST PERFORMANCE.—

12 (1) IN GENERAL.—Not later than 1 year after  
13 the date of the enactment of this Act, the Adminis-  
14 trator shall issue guidance, including examples and  
15 templates where appropriate, on the following:

16 (A) When a wider range of projects, in-  
17 cluding commercial, non-government, and Gov-  
18 ernment projects, should be accepted as rel-  
19 evant past performance in order to have in-  
20 creased competition among eligible firms with  
21 capability to perform a requirement, such as a  
22 requirement without much precedent.

23 (B) A means by which an agency may vali-  
24 date non-government past performance ref-  
25 erences, such as by requiring an official of an

1           entity that provides past performance ref-  
2           erences to attest to their authenticity and by  
3           providing verifiable contact information for the  
4           references.

5           (C) Any use of alternative evaluation meth-  
6           ods other than past performance that may be  
7           appropriate for a requirement without much  
8           precedent, such as demonstrations and testing  
9           of technologies as part of the proposal process.

10          (2) SUPPLEMENT NOT SUPPLANT.—The guid-  
11          ance required by paragraph (1) shall supplement ex-  
12          isting Federal and agency policy and procedures for  
13          consideration of past performance and other evalua-  
14          tion factors and methods.

15          (b) ENHANCING COMPETITION IN FEDERAL PRO-  
16          CUREMENT.—

17          (1) COUNCIL RECOMMENDATIONS.—Not later  
18          than 90 days after the date of the enactment of this  
19          Act, the Administrator shall convene the Chief Ac-  
20          quisition Officers Council (in this subsection referred  
21          to as the “Council”) to make recommendations to  
22          identify and eliminate specific, unnecessary proce-  
23          dural barriers that disproportionately affect the abil-  
24          ity of small businesses to compete for Federal con-  
25          tracts, with a focus on streamlining documentation

1 and qualification requirements unrelated to the pro-  
2 tection of privacy rights and civil liberties.

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

14 (3) EXAMINATION OF ACTIONS.—The Council  
15 shall consider the input obtained under paragraph  
16 (2) and any other information determined relevant  
17 by the Council to identify legislative, regulatory, and  
18 other actions to increase competition and remove  
19 barriers to the participation of small businesses in  
20 Federal contracting.

21 (4) IMPLEMENTATION.—Not later than 2 years  
22 after the date of the enactment of this Act, the Ad-  
23 ministrator, in consultation with the Federal Acqui-  
24 sition Regulatory Council, the Council, and other ex-  
25 ecutive agencies as appropriate, shall implement the

1 regulatory and other non-legislative actions identi-  
2 fied under paragraph (3), as determined necessary  
3 by the Administrator, to remove barriers to entry for  
4 small businesses seeking to participate in Federal  
5 contracting.

6 (5) BRIEFING.—Not later than 2 years after  
7 the date of the enactment of this Act, the Adminis-  
8 trator shall brief the relevant committees of Con-  
9 gress on the legislative actions identified under para-  
10 graph (3) and the actions implemented under para-  
11 graph (4).

12 (c) CONSIDERATION OF COST-EFFICIENCY AND  
13 QUALITY.—The Administrator shall advocate for and  
14 prioritize contracting policies that ensure that cost-effi-  
15 ciency and quality of goods and services are key deter-  
16 mining factors in awarding Federal contracts.

17 **SEC. 7. COMPTROLLER GENERAL ASSESSMENT OF SMALL**  
18 **BUSINESS PARTICIPATION IN FEDERAL PRO-**  
19 **CUREMENT.**

20 Not later than 18 months after the date of the enact-  
21 ment of this Act, the Comptroller General of the United  
22 States shall submit to the relevant committees of Congress  
23 and make publicly available a report that does the fol-  
24 lowing:

1           (1) Assesses the level of participation by small  
2 businesses in Federal procurement.

3           (2) Identifies barriers and opportunities and the  
4 impact of policies on the ability of small businesses  
5 to compete in Federal procurement.

6           (3) Catalogs and evaluates the effectiveness of  
7 programs intended to support the participation of  
8 small businesses in Federal procurement.

9           (4) Analyzes trends in the involvement of small  
10 businesses in Federal technology projects, including  
11 data on contract awards, the diversity of sectors rep-  
12 resented, and the geographic distribution of small  
13 business contractors.

14 **SEC. 8. CONFLICT OF INTEREST PROCEDURES.**

15       The Federal Acquisition Regulatory Council and the  
16 Administrator shall update the Federal Acquisition Regu-  
17 lation as necessary to provide additional guidance to exec-  
18 utive agencies to address personal and organizational con-  
19 flicts of interest involving members of the acquisition  
20 workforce.

21 **SEC. 9. NO ADDITIONAL FUNDING.**

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

