

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9595
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 of 2024” or the “FIT
4 Procurement Act of 2024”.

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, program or project management that
11 involves the performance of acquisition-related func-
12 tions, or others as designated by the Chief Acquisi-
13 tion Officer, senior procurement executive, or head
14 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 of
4 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 the 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 the term in sec-
20 tion 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 Accountability of the House of Rep-
9 resentatives.

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) 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 Federal Acquisition Institute shall establish a pilot pro-
22 gram to consider the incorporation of experiential learning
23 into the Federal Credentials Program, the Federal Acqui-
24 sition Certification-Contracting Officer’s Representative
25 Program, and the Federal Acquisition Certification for

1 Program and Project Managers Program, or any suc-
2 cessor 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 acquisition workforce members
17 involved in acquiring information and communica-
18 tions technology. The training shall do the following:

19 (A) Include learning objectives related to
20 market research, communicating with industry
21 and industry perspectives on the procurement
22 process, including how investment decisions are
23 impacted by Government communication and
24 engagement, developing requirements, acquisi-
25 tion planning, best practices for developing and

1 executing outcome-based contracts, and source
2 selection strategy, evaluating proposals, and
3 awarding and administering contracts for infor-
4 mation and communications technology.

5 (B) Include learning objectives that pro-
6 vide a basic understanding of key technologies
7 executive agencies need, such as cloud com-
8 puting, artificial intelligence and artificial intel-
9 ligence-enabled applications, and cybersecurity
10 solutions.

11 (C) Include learning objectives that en-
12 courage the use of commercial or commercially
13 available off-the-shelf technologies to the great-
14 est extent practicable.

15 (D) Include case studies of lessons learned
16 from Federal information and communications
17 technology procurements and contracts, and re-
18 lated matters as determined to be relevant by
19 the Director of the Federal Acquisition Insti-
20 tute.

21 (E) Include experiential learning opportu-
22 nities, and opportunities to practice acquisition
23 teaming involving collaboration of team mem-
24 bers with varied relevant domain expertise to

1 complete acquisition-related tasks, including
2 tasks with accelerated timelines.

3 (F) Include continuous learning rec-
4 ommendations and resources to keep the skills
5 of acquisition workforce members current, in-
6 cluding tools that help adopt or adapt the use
7 of innovative acquisition practices or other flexi-
8 ble business practices commonly used in com-
9 mercial buys.

10 (G) Be made available to acquisition work-
11 force members designated by a Chief Acquisi-
12 tion Officer, senior procurement executive, or
13 head of the contracting activity to participate in
14 the training program.

15 (H) Inform executive agencies about
16 streamlined and alternative procurement meth-
17 ods for procurement of information and com-
18 munications technology, including—

19 (i) simplified procedures for certain
20 commercial products and commercial serv-
21 ices in accordance with subpart 13.5 of the
22 Federal Acquisition Regulation, prize com-
23 petitions under the America COMPETES
24 Reauthorization Act of 2010 (Public Law
25 111–358), competitive programs that en-

1 courage businesses to engage in Federal
2 research or research and development with
3 the potential for commercialization, and
4 joint venture partnerships;

5 (ii) innovative procurement techniques
6 designed to streamline the procurement
7 process and lower barriers to entry, such
8 as use of oral presentations and product
9 demonstrations instead of lengthy written
10 proposals, appropriately leveraging per-
11 formance and outcomes-based contracting,
12 and other techniques discussed on the
13 Periodic Table of Acquisition Innovations
14 or other similar successor knowledge man-
15 agement portals; and

16 (iii) information on appropriate use,
17 examples and templates, and any other in-
18 formation determined relevant by the Ad-
19 ministrator to assist contracting officers
20 and other members of the acquisition
21 workforce in using the procedures de-
22 scribed in clauses (i) and (ii).

23 (I) Incorporate learning objectives to iden-
24 tify and mitigate waste, fraud, and abuse and
25 ensure the protection of established privacy,

1 civil rights, and civil liberties in the procure-
2 ment process.

3 (2) REPORT.—Not later than 2 years after the
4 date of the enactment of this Act, the Director of
5 the Federal Acquisition Institute shall provide to the
6 relevant committees of Congress, the Chief Acquisi-
7 tion Officers Council, and the Chief Information Of-
8 ficers Council—

9 (A) a report on the progress of the Direc-
10 tor in developing and implementing or otherwise
11 providing the information and communications
12 technology acquisition training described in
13 paragraph (1); and

14 (B) a list of any acquisition training that
15 the Director determines to be outdated or no
16 longer necessary.

17 (3) DURATION.—The training program shall be
18 updated as appropriate, but at least every 2 years
19 after implementation, and offered for a minimum of
20 6 years following the date of implementation of the
21 training program.

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

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

6 (1) in subsection (a)(4), by striking “DIREC-
7 TOR.—The term ‘Director’ means the Director of
8 the Office of Management and Budget.” and insert-
9 ing “ADMINISTRATOR.—The term ‘Administrator’
10 means the Administrator of General Services.”.

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “Direc-
13 tor, in coordination with the Administrator of
14 General Services and any other person deter-
15 mined relevant by the Director” and inserting
16 “Administrator, in coordination with the Direc-
17 tor of the Office of Management and Budget”;

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

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

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

1 **SEC. 4. INNOVATIVE PROCUREMENT METHODS.**

2 (a) INCREASE IN SIMPLIFIED ACQUISITION THRESH-
3 OLD.—Section 134 of title 41, United States Code, is
4 amended by striking “\$250,000” and inserting
5 “\$500,000”.

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

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

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

14 (2) in paragraph (2)—

15 (A) by inserting “or commercially available
16 content” after “publication”; and

17 (B) by striking the period at the end and
18 inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(3) charges for information and communica-
22 tions technology subscriptions, reservations, or ten-
23 ancy, which means the sharing of computing re-
24 sources in a private or public environment, including
25 cloud environments, for which the ordering agency
26 defines appropriate access and security standards.”.

1 **SEC. 5. INCREASING COMPETITION IN FEDERAL CON-**
2 **TRACTING.**

3 (a) USE OF PAST PERFORMANCE.—

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

8 (A) when a wider range of projects, such
9 as commercial or non-government, as well as
10 Government projects, should be accepted as rel-
11 evant past performance, in order to have in-
12 creased competition among eligible firms with
13 capability to perform a requirement, such as a
14 requirement without much precedent;

15 (B) a means by which an agency may vali-
16 date non-government past performance ref-
17 erences, such as by requiring an official of an
18 entity providing past performance references to
19 attest to their authenticity and by providing
20 verifiable contact information for the references;
21 and

22 (C) use of alternative evaluation methods
23 other than past performance that may be ap-
24 propriate for a requirement without much
25 precedent, such as demonstrations and testing
26 of technologies as part of the proposal process.

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

6 (b) ENHANCING COMPETITION IN FEDERAL PRO-
7 CUREMENT.—

8 (1) COUNCIL RECOMMENDATIONS.—Not later
9 than 90 days after the date of the enactment of this
10 Act, the Administrator shall convene the Chief Ac-
11 quisition Officers Council (in this section referred to
12 as the “Council”), to make recommendations to
13 identify and eliminate specific, unnecessary proce-
14 dural barriers that disproportionately affect the abil-
15 ity of small businesses to compete for Federal con-
16 tracts, with a focus on streamlining documentation
17 and qualification requirements unrelated to the pro-
18 tection of privacy and civil liberties.

19 (2) CONSULTATION.—The Council shall obtain
20 input from the public, including from the APEX Ac-
21 celerators program (formerly known as Procurement
22 Technical Assistance Center network) and other con-
23 tractor representatives, to identify Federal procure-
24 ment policies and regulations that are obsolete, over-
25 ly burdensome or restrictive, not adequately har-

1 monized, or otherwise serve to create barriers to
2 small business participation in Federal contracting
3 or unnecessarily increase bid and proposal costs.

4 (3) EXAMINATION OF ACTIONS.—The Council
5 shall consider the input obtained under paragraph
6 (2) and any other information determined to be rel-
7 evant by the Council to identify legislative, regu-
8 latory, and other actions to increase competition and
9 remove barriers to small business participation in
10 the procurement process.

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

22 (5) BRIEFING.—Not later than 2 years after
23 the date of the enactment of this Act, the Adminis-
24 trator shall brief the relevant committees of Con-
25 gress on the legislative actions identified under para-

1 graph (3), and the actions implemented under para-
2 graph (4).

3 (c) CONSIDERATION OF COST-EFFICIENCY AND
4 QUALITY.—The Administrator shall advocate for and
5 prioritize contracting policies that ensure that cost-effi-
6 ciency and quality of goods and services are key deter-
7 mining factors in awarding Federal contracts.

8 **SEC. 6. COMPTROLLER GENERAL ASSESSMENT OF SMALL**
9 **BUSINESS PARTICIPATION IN FEDERAL PRO-**
10 **CUREMENT.**

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

15 (1) assesses the current level of small business
16 participation in Federal procurement, identifying
17 barriers, opportunities, and the impact of existing
18 policies on the ability of small businesses to compete
19 in Federal procurement;

20 (2) catalogs and evaluates the effectiveness of
21 programs intended to support small business partici-
22 pation in Federal procurement; and

23 (3) analyzes trends in small business involve-
24 ment in Federal technology projects, including data
25 on contract awards, the diversity of sectors rep-

1 resented, and the geographic distribution of small
2 business contractors.

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

4 The Federal Acquisition Regulatory Council and the
5 Administrator shall update the Federal Acquisition Regu-
6 lation as necessary to provide additional guidance to exec-
7 utive agencies to address personal and organizational con-
8 flicts of interest involving members of the acquisition
9 workforce.

10 **SEC. 8. NO ADDITIONAL FUNDING.**

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

