

117TH CONGRESS
1ST SESSION

H. R. 5792

To require the Administrator of General Services to establish the Digital Service Agreement Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2021

Mr. CONNOLLY (for himself and Ms. ESHOO) introduced the following bill;
which was referred to the Committee on Oversight and Reform

A BILL

To require the Administrator of General Services to establish the Digital Service Agreement Program, 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 “State and Local Digital
5 Service Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

5 (3) DIGITAL SERVICE TEAM.—The term “dig-
6 ital service team” means a team of employees of an
7 eligible applicant that extends existing software de-
8 velopment capacity and directly supports and im-
9 proves service delivery, focusing on user-centered de-
10 sign and development practices through the use of
11 modern product development techniques, such as—

12 (A) user research and design;

13 (B) incremental and iterative outcome
14 driven delivery practices; and

15 (C) procurement and funding practices for
16 software development that rely on outcome-driv-
17 en, modular contracts.

18 (4) ELIGIBLE APPLICATION.—The term “eligi-
19 ble applicant” means a State, eligible Tribal govern-
20 ment, or unit of local government, or any instrument
21 thereof.

22 (5) ELIGIBLE TRIBAL GOVERNMENT.—The
23 term “eligible Tribal government” means the recog-
24 nized governing body of any Indian or Alaska Native
25 Tribe, band, nation, pueblo, village, community,

1 component band, or component reservation, individ-
2 ually identified (including parenthetically) in the list
3 published most recently as of the date of enactment
4 of this Act pursuant to section 104 of the Federally
5 Recognized Indian Tribe List Act of 1994 (25
6 U.S.C. 5131).

7 (6) SPECIALIZED OR TECHNICAL SERVICES.—
8 The term “specialized or technical services” means
9 statistical and other studies and compilations, devel-
10 opment projects, technical tests and evaluations,
11 technical information, training activities, surveys, re-
12 ports, documents, products, platforms, and other
13 similar services.

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

17 (8) UNDERSERVED OR DISADVANTAGED COM-
18 MUNITY.—The term “underserved or disadvantaged
19 community” means—

- 20 (A) a low-income community;
21 (B) a community of color;
22 (C) a Tribal community;
23 (D) a rural community;
24 (E) aging individuals;
25 (F) individuals with disabilities;

1 (G) individuals with a language barrier, in-
2 cluding individuals who—

3 (i) are English learners; or

4 (ii) have low levels of literacy;

5 (H) veterans; or

6 (I) any other community that the Adminis-
7 trator determines is disproportionately vulner-
8 able to, or bears a disproportionate burden of,
9 any combination of economic, social, environ-
10 mental, or climate stressors.

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

15 **SEC. 3. DIGITAL SERVICE AGREEMENT.**

16 (a) IN GENERAL.—The Administrator, in consulta-
17 tion with the Administrator of the United States Digital
18 Service, shall establish a Digital Service Agreement Pro-
19 gram, under which the Administrator shall award grants
20 to, or enter into cooperative agreements or memoranda of
21 understanding with, eligible applicants in accordance with
22 the requirements of this section for the purpose of plan-
23 ning, establishing, or supporting a digital service team or
24 supporting digital services collaboration between digital

1 service teams to improve the delivery of government assist-
2 ance through digital services.

3 (b) DIGITAL SERVICE AGREEMENT CRITERIA.—In
4 considering whether to execute a digital service agreement
5 under this section, the Administrator, in consultation with
6 the Administrator of the United States Digital Service,
7 shall consider—

8 (1) evidence of significant executive support
9 from the eligible applicant for the establishment of
10 digital service teams and a commitment to modern-
11 izing government technology and service delivery;

12 (2) evidence of the ability and commitment of
13 the eligible applicant to ensure sustainment of dig-
14 ital service teams after the end of the digital services
15 agreement, including financial resources and any ad-
16 ministrative changes that may be necessary;

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

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

23 (5) the extent to which the establishment of
24 digital service teams by the eligible applicant is like-

1 ly to lead to improvements in service delivery related
2 to Federal programs;

3 (6) to the extent applicable, whether an eligible
4 applicant intends to support a collaborative agree-
5 ment under subsection (c);

6 (7) whether the eligible applicant will prioritize
7 the use of more than 50 percent of the amounts re-
8 ceived under a digital service agreement for salary
9 and benefits of the members of the digital service
10 team; and

11 (8) any other criteria determined by the Admin-
12 istrator and included in a notice of funding avail-
13 ability made available in advance to all eligible appli-
14 cants.

15 (c) COLLABORATIVE AGREEMENTS.—The Adminis-
16 trator may execute a digital service agreement with 1 or
17 more eligible applicants, in accordance with the criteria
18 established in subsection (b), for the purpose of supporting
19 collaborative service delivery projects across jurisdictional
20 boundaries.

21 (d) PLANNING SUPPORT.—In addition to the digital
22 service agreement criteria under subsection (b), the Ad-
23 ministrator shall, to the greatest extent possible, minimize
24 the burden on eligible applicants in the development of
25 proposals for a digital service agreement, including by pro-

1 viding direct technical assistance to eligible applicants in
2 the preparation applications for digital service agreements.

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

9 (f) LIMITATIONS.—

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

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

22 (3) CONGRESSIONAL NOTIFICATION.—Not later
23 than 30 days before the Administrator executes or
24 modifies a digital services agreement that would re-
25 sult in a term in excess of the maximum term speci-

1 fied under paragraph (1) or exceed the maximum
2 amount specified under paragraph (2), the Adminis-
3 trator shall submit to the Committee on Appropria-
4 tions and the Committee on Homeland Security and
5 Governmental Affairs of the Senate and the Com-
6 mittee on Appropriations and Committee on Over-
7 sight and Reform of the House of Representatives
8 notice and an explanation of the reasons for the de-
9 terminations by the Administrator.

10 (g) MATCHING REQUIREMENT.—

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

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

21 (h) SET ASIDES.—

22 (1) IN GENERAL.—From amounts made avail-
23 able in a fiscal year to carry out the Digital Service
24 Agreement Program under this section, the Adminis-
25 trator shall reserve not more than 10 percent for the

1 implementation and administration of the program,
2 which shall include—

3 (A) providing assistance to eligible appli-
4 cants to prepare applications for digital service
5 agreements in accordance with subsection (d);

6 (B) upon request of an eligible applicant
7 whose application is successful, providing tech-
8 nical support and assistance to support the exe-
9 cution of a digital services agreement;

10 (C) assisting eligible applicants in pre-
11 paring and submitting reports required under
12 section 4;

13 (D) conducting outreach to eligible appli-
14 cants regarding opportunities to apply for digi-
15 tal service agreements; and

16 (E) such other actions determined by the
17 Administrator to carry out the program.

18 (2) ELIGIBLE TRIBAL GOVERNMENTS.—From
19 amounts made available in a fiscal year to carry out
20 the Digital Service Agreement Program under this
21 section, the Administrator may use not less than 10
22 percent for digital service agreements with eligible
23 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—

4 (1) the Administrator of the United States Dig-
5 ital 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; and

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 shall require
5 semiannual progress reports from eligible applicants
6 awarded or entering into a digital service agreement, and
7 shall make a publicly available dashboard of service deliv-
8 ery metrics, performance measures, and progress under
9 the terms and conditions of any digital service agreements.

10 (b) AVAILABILITY OF RESULTS TO CONGRESS AND
11 PUBLIC.—The Administrator shall make available on a
12 public website the results from the Digital Service Agree-
13 ment Program, which shall include the following:

14 (1) A description of digital service agreements
15 executed under the Digital Service Agreement Pro-
16 gram, including the following:

17 (A) The cost and scope of each digital
18 service agreement, including the type of agree-
19 ment awarded or entered into and information
20 regarding compliance with the matching re-
21 quirements under section 3(g).

22 (B) The name of each recipient that, as of
23 the date of the report, has a digital services
24 agreement that is in effect, including identi-
25 fying whether the eligible applicant is an eligi-

1 ble Tribal government, a territory of the United
2 States, or an underserved or disadvantaged
3 community.

4 (C) An analysis of common characteristics
5 regarding the full allocation of digital services
6 agreements in effect.

7 (D) An accounting of the expenditure of
8 funds received by an eligible applicant under a
9 digital services agreement and the cost to the
10 Federal Government to administer the Digital
11 Services Agreement Program under this Act.

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

16 (3) Any additional information determined nec-
17 essary by the Administrator.

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

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

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

1 gram, or resources other than as necessary to plan, estab-
2 lish, or support a digital service under this Act.

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

4 (a) AGREEMENTS.—There are authorized to be ap-
5 propriated 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 digital service agreements
11 are awarded or entered into, and each of the 7 fiscal years
12 thereafter, for audits and oversight of funds made avail-
13 able to carry out this Act.

14 (c) AVAILABILITY.—Amounts made available pursu-
15 ant to subsections (a) and (b) shall remain available until
16 expended.

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