

Calendar No. 679

118TH CONGRESS
2D SESSION**S. 4066****[Report No. 118–276]**

To improve Federal technology procurement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. PETERS (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Government Accountability Office
4 (GAO) has conducted a trend analysis of Govern-
5 ment-wide contracting for each of the last several
6 fiscal years. These analyses show that the Federal
7 dollars obligated through contracts has been steadily
8 increasing.

9 (2) Contract spending accounts for more than
10 80 percent of the Federal information technology
11 budget.

12 (3) Spending on information security, software,
13 cloud computing, data center solutions and services,
14 software as a service, and artificial intelligence tech-
15 nologies is projected to grow significantly.

16 (4) Rapid technological developments and in-
17 creased Government demand create a need for a
18 Federal acquisition workforce with an understanding
19 of technology and related procurement consider-
20 ations.

21 (5) Federal agencies are challenged to shorten
22 the procurement cycle to meet agency technology re-
23 quirements. Technology acquired through procure-
24 ments that take years from requirements develop-
25 ment to implementation may be obsolete by the time
26 it is fielded.

1 (6) While Federal contracting dollars are in-
 2 creasing year over year, and the number of new
 3 business applications filed is at an all-time high, the
 4 number of Federal contractors receiving contract
 5 awards is shrinking. This trend could impair the
 6 Federal Government's access to innovative commer-
 7 cial technologies.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

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

18 (2) **ADMINISTRATOR.**—The term “Adminis-
 19 trator” means the Administrator for Federal Pro-
 20 curement Policy.

21 (3) **CROSS-FUNCTIONAL.**—The term “cross-
 22 functional” means a structure in which individuals
 23 with different functional expertise or from different
 24 areas of an organization work together as a team.

1 (4) EXECUTIVE AGENCY.—The term “executive
2 agency” has the meaning given the term in section
3 133 of title 41, United States Code.

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

8 (6) INFORMATION AND COMMUNICATIONS
9 TECHNOLOGY.—The term “information and commu-
10 nications technology”—

11 (A) has the meaning given the term in sec-
12 tion 4713 of title 41, United States Code; and

13 (B) includes information and communica-
14 tions technologies covered by definitions con-
15 tained in the Federal Acquisition Regulation,
16 including definitions added after the date of the
17 enactment of this Act by the Federal Acquisi-
18 tion Regulatory Council pursuant to notice and
19 comment.

20 (7) RELEVANT COMMITTEES OF CONGRESS.—
21 The term “relevant committees of Congress” means
22 the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate and the Committee on
24 Oversight and Accountability of the House of Rep-
25 resentatives.

1 **SEC. 4. ACQUISITION WORKFORCE.**

2 (a) ~~EXPERIENTIAL LEARNING.~~—Not later than 18
3 months after the date of the enactment of this Act, the
4 Federal Acquisition Institute shall incorporate experiential
5 learning into the Federal Credentials Program, the Fed-
6 eral Acquisition Certification-Contracting Officer's Rep-
7 resentative (FAC-COR) Program, and the Federal Acqui-
8 sition Certification for Program and Project Managers
9 (FAC-P/PM) Program, or any successor programs.

10 (b) ~~TRAINING ON INFORMATION AND COMMUNICA-~~
11 ~~TIONS TECHNOLOGY ACQUISITION.~~—

12 (1) ~~IN GENERAL.~~—Not later than 18 months
13 after the date of the enactment of this Act, the Fed-
14 eral Acquisition Institute, in coordination with the
15 Administrator, the Administrator of General Serv-
16 ices, the Federal Chief Information Officer, the
17 Chief Information Officers Council, and the United
18 States Digital Service, and in consultation with oth-
19 ers as determined to be appropriate by the Director
20 of the Federal Acquisition Institute, shall develop
21 and implement or otherwise provide a cross-func-
22 tional information and communications technology
23 acquisition training program for acquisition work-
24 force members involved in acquiring information and
25 communications technology. The training shall—

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

12 (B) include learning objectives that provide
13 a basic understanding of key technologies Fed-
14 eral agencies need, such as cloud computing, ar-
15 tificial intelligence and artificial intelligence-en-
16 abled applications, and cybersecurity solutions;

17 (C) include learning objectives that encour-
18 age the use of commercial or commercially
19 available off-the-shelf (COTS) technologies to
20 the greatest 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 deemed relevant by the Direc-
25 tor of the Federal Acquisition Institute;

(E) include experiential learning opportunities, and opportunities to practice acquisition teaming involving collaboration of team members with varied relevant domain expertise to complete acquisition-related tasks, including tasks with accelerated timelines;

(F) include continuous learning recommendations and resources to keep the skills of acquisition workforce members current, including tools that help adopt or adapt the use of innovative acquisition practices or other flexible business practices commonly used in commercial buys;

(G) be made available to acquisition workforce members designated by a Chief Acquisition Officer, senior procurement executive, or head of the contracting activity to participate in the training program; and

(H) inform executive agencies about streamlined and alternative procurement methods for procurement of information and communications technology, including—

(i) simplified procedures for certain commercial products and commercial services in accordance with subpart 13.5 of the

1 Federal Acquisition Regulation; prize com-
2 petitions under the America COMPETES
3 Reauthorization Act of 2010 (Public Law
4 111-358); commercial solutions opening
5 authorities as provided in section 5 of this
6 Act or under separate authority; competi-
7 tive programs that encourage businesses to
8 engage in Federal research or research and
9 development with the potential for com-
10 mercialization; and joint venture partner-
11 ships;

12 (ii) innovative procurement techniques
13 designed to streamline the procurement
14 process and lower barriers to entry, such
15 as use of oral presentations and product
16 demonstrations instead of lengthy written
17 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; and

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 de-
4 scribed in clauses (i) and (ii).

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

11 (A) a report on the Director's progress in
12 developing and implementing or otherwise pro-
13 viding the information and communications
14 technology acquisition training described in
15 paragraph (1); and

16 (B) a list of any congressionally mandated
17 acquisition training that the Director deter-
18 mines to be outdated or no longer necessary for
19 other reasons.

20 (3) DURATION.—The training program shall be
21 updated as appropriate as technology advances, but
22 at least every 2 years after implementation, and of-
23 fered for a minimum of 7 years following the date
24 of implementation of the training program.

25 (c) ACQUISITION WORKFORCE TRAINING FUND.—

1 (1) FINDING.—Congress finds that the Acquisi-
 2 tion Workforce Training Fund should be utilized in
 3 order to ensure that the Federal acquisition work-
 4 force—

5 (A) continues to adapt to fundamental
 6 changes in Federal Government acquisition of
 7 property and services; and

8 (B) acquires new skills and knowledge to
 9 enable it to contribute effectively in the chang-
 10 ing environment of the 21st century.

11 (2) INCREASED CREDITS TO FUND.—Section
 12 1703(i)(3) of title 41, United States Code, is amend-
 13 ed by striking “Five percent” and inserting “Seven
 14 and a half percent”.

15 (d) HARMONIZATION OF ACQUISITION WORKFORCE
 16 TRAINING REQUIREMENTS.—The responsibility for the re-
 17 quirement in subsection (b)(1) of section 2 of the AI
 18 Training Act (Public Law 117–207; 41 U.S.C. 1703 note)
 19 is reassigned from the Director of the Office of Manage-
 20 ment and Budget to the Administrator of General Serv-
 21 ices.

22 **SEC. 5. INNOVATIVE PROCUREMENT METHODS.**

23 (a) EXPANSION OF COMMERCIAL SOLUTIONS OPEN-
 24 ING AUTHORITY.—Section 880 of the National Defense

1 Authorization Act for Fiscal Year 2017 (Public Law 114–
2 328; 41 U.S.C. 3301 note) is amended—

3 (1) in the section heading, by striking “**PILOT**
4 **PROGRAMS FOR AUTHORITY TO ACQUIRE IN-**
5 **NOVATIVE COMMERCIAL PRODUCTS**” and insert-
6 ing “**PROGRAMS FOR AUTHORITY TO ACQUIRE**
7 **INNOVATIVE COMMERCIAL PRODUCTS AND**
8 **COMMERCIAL SERVICES**”;

9 (2) in subsection (a)—

10 (A) in paragraph (1), by inserting “and
11 commercial services” after “commercial prod-
12 ucts”;

13 (B) in paragraph (2), by adding at the end
14 the following new subparagraph:

15 “(C) The head of an executive agency ap-
16 proved for the program, on a temporary or per-
17 manent basis, by the Director of the Office of
18 Management and Budget.”; and

19 (C) in paragraph (3), by adding at the end
20 the following new subparagraph:

21 “(C) An executive agency approved for the
22 program by the Director of the Office of Man-
23 agement and Budget.”;

24 (3) by amending subsection (d) to read as fol-
25 lows:

1 “(d) GUIDANCE.—The head of an agency shall issue
 2 guidance for the implementation of the program under
 3 this section within that agency. Such guidance shall be
 4 issued in consultation with the Office of Management and
 5 Budget and shall be posted for access by the public. The
 6 guidance shall also include requirements for each general
 7 solicitation to be posted publicly through a means that
 8 provides access to the notice of general solicitation
 9 through the System for Award Management or subsequent
 10 Government-wide point of entry, with classified solicita-
 11 tions posted to the appropriate Government portal.”;

12 (4) by amending subsection (c) to read as fol-
 13 lows:

14 “(e) REPORTING AND DATA COLLECTION.—The
 15 head of an agency shall report information on contracts
 16 made using procedures under this section to the Office of
 17 Management and Budget as determined by the Director
 18 of the Office of Management and Budget. The Adminis-
 19 trator for Federal Procurement Policy shall collect and
 20 analyze data on the use of the authority under this section
 21 for the purposes of—

22 “(1) developing and sharing best practices;

23 “(2) gathering information on the implementa-
 24 tion of the authority and related policy issues; and

1 “(3) informing the Committee on Homeland Se-
 2 curity and Governmental Affairs of the Senate and
 3 the Committee on Oversight and Accountability of
 4 the House of Representatives on the use of the au-
 5 thority.”;

6 (5) in subsection (f)—

7 (A) in paragraph (1)(B), by striking “;
 8 and” and inserting a semicolon;

9 (B) by redesignating paragraph (2) as
 10 paragraph (3); and

11 (C) by inserting after paragraph (1) the
 12 following new paragraph:

13 “(2) the term ‘executive agency’ has the mean-
 14 ing given the term in section 133 of title 41, United
 15 States Code; and”;

16 (6) by striking subsection (g); and

17 (7) by striking “pilot” each place it appears.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 in section 2(b) of such Act and the table of contents pre-
 20 ceeding subtitle A of title VIII of such Act are each amend-
 21 ed by striking the item relating to section 880 and insert-
 22 ing the following new item:

“Sec. 880. Programs for authority to acquire innovative commercial products,
 commercial technologies, and commercial services using general
 solicitation competitive procedures.”.

23 (c) INCREASE IN SIMPLIFIED ACQUISITION THRESH-
 24 OLD.—

1 (1) FINDING.—Congress finds that the thresh-
2 old under which agencies may use simplified acquisi-
3 tion procedures to reduce costs, improve opportuni-
4 ties for qualified businesses, promote efficiency and
5 economy, and avoid unnecessary burdens for agen-
6 cies and their contractors should be updated.

7 (2) AMENDMENT.—

8 (A) IN GENERAL.—Section 134 of title 41,
9 United States Code, is amended by striking
10 “\$250,000” and inserting “\$500,000”.

11 (B) AUTHORITY TO APPLY PROVISIONS
12 BELOW THE THRESHOLD.—The Federal Acqui-
13 sition Regulatory Council may apply a provision
14 that would not otherwise be applicable below
15 the threshold as amended by subparagraph (A)
16 upon a written determination that it would not
17 be in the best interest of the Federal Govern-
18 ment to exempt contracts and subcontracts in
19 amounts not greater than such amended thresh-
20 old from such provision, such as for national se-
21 curity reasons.

22 (d) MULTIPLE AWARD SCHEDULE PROGRAM COM-
23 PETITIVE PROCEDURES.—

24 (1) FINDING.—Congress finds that the competi-
25 tion standard established by the Administrator of

General Services for the multiple award schedule program of the General Services Administration should be updated and made consistent with the competition standard for other procurement methods, such as simplified acquisitions and negotiated procurements. The term “best value” is defined in the Federal Acquisition Regulation as meaning the expected outcome of an acquisition that, in the Government’s estimation, provides the greatest overall benefit in response to the requirement.

(2) AMENDMENTS.—

(A) CIVILIAN CONTRACTS.—Section 152(3)(B) of title 41, United States Code, is amended to read as follows:

“(B) contracts and orders under such program result in the award of best value products and services for the Federal Government;”.

(B) DEFENSE CONTRACTS.—Section 3012(3)(B) of title 10, United States Code, is amended to read as follows:

“(B) contracts and orders under such program result in the award of best value products and services for the Federal Government;”.

(3) GUIDANCE.—The Federal Acquisition Regulatory Council shall provide guidance to Federal

1 agencies on appropriate use of the best value com-
 2 petition standard for the multiple award schedule
 3 program as part of the implementing regulations
 4 promulgated in connection with the amendments
 5 made by paragraph (2).

6 ~~(c) ADVANCES FOR COMMERCIAL TECHNOLOGY SUB-~~
 7 ~~SCRIPTIONS AND TENANCY.—~~

8 (1) FINDING.—Congress finds that the author-
 9 ity to make advance payments should be updated for
 10 purposes of enabling the most cost-effective acquisi-
 11 tion of cloud computing, data center solutions and
 12 services, and other information and communications
 13 technology acquired on a subscription, reservation,
 14 or tenancy basis.

15 ~~(2) AUTHORITY TO PAY ADVANCES.—Section~~
 16 ~~3324(d) of title 31, United States Code, is amend-~~
 17 ~~ed—~~

18 ~~(A) in paragraph (1)(C), by striking “;~~
 19 ~~and” and inserting a semicolon;~~

20 ~~(B) in paragraph (2)—~~

21 ~~(i) by inserting “or commercially~~
 22 ~~available content” after “publication”; and~~

23 ~~(ii) by striking the period at the end~~
 24 ~~and inserting “; and”; and~~

1 (C) by adding at the end the following new
2 paragraph:

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

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

11 (a) **USE OF PAST PERFORMANCE.**—Not later than
12 1 year after the date of the enactment of this Act, the
13 Administrator shall issue guidance, including examples
14 and templates where appropriate, on—

15 (1) when a wider range of projects, such as
16 commercial or non-government, as well as Govern-
17 ment projects, should be accepted as relevant past
18 performance, in order to have increased competition
19 among eligible firms with capability to perform a re-
20 quirement, such as a requirement without much
21 precedent;

22 (2) a means by which an agency may validate
23 non-government past performance references, such
24 as by requiring an official of an entity providing
25 past performance references to attest to their au-

1 thenticity and by providing verifiable contact infor-
 2 mation for the references; and

3 ~~(3)~~ use of alternative evaluation methods other
 4 than past performance that may be appropriate for
 5 a requirement without much precedent, such as dem-
 6 onstrations and testing of technologies as part of the
 7 proposal process.

8 ~~(b)~~ ENSURING A CAPABLE FEDERAL VENDOR
 9 BASE.—

10 ~~(1)~~ WORKING GROUP.—Not later than 90 days
 11 after the date of the enactment of this Act, the Ad-
 12 ministrator shall convene a working group or an ap-
 13 propriate existing body (in this section referred to as
 14 the “working group”), to make recommendations to
 15 address the Federal Government’s shrinking vendor
 16 base and related matters.

17 ~~(2)~~ MEMBERSHIP.—The working group con-
 18 vened under paragraph ~~(1)~~ shall be chaired by the
 19 Administrator or a designee of the Administrator
 20 and include, at a minimum, representatives from the
 21 following departments and agencies:

22 ~~(A)~~ The General Services Administration.

23 ~~(B)~~ The Department of Homeland Secu-
 24 rity.

25 ~~(C)~~ The Department of Commerce.

1 ~~(D) The Department of Defense.~~

2 ~~(E) The Department of Health and~~
3 ~~Human Services.~~

4 ~~(F) The Small Business Administration.~~

5 ~~(G) Any other agencies or organizations as~~
6 ~~determined appropriate by the Administrator.~~

7 ~~(3) CONSULTATION.—The working group shall~~
8 ~~obtain input from the public, including from the~~
9 ~~APEX Accelerators program (formerly known as~~
10 ~~Procurement Technical Assistance Center (PTAC)~~
11 ~~network) and other contractor representatives, to~~
12 ~~identify Federal procurement policies and regula-~~
13 ~~tions that are obsolete, overly burdensome or restric-~~
14 ~~tive, not adequately harmonized, or otherwise serve~~
15 ~~to create barriers to participation in Federal con-~~
16 ~~tracting or unnecessarily increase bid and proposal~~
17 ~~costs.~~

18 ~~(4) EXAMINATION OF ACTIONS.—The working~~
19 ~~group shall consider the input obtained under para-~~
20 ~~graph (3) and any other information determined to~~
21 ~~be relevant by the working group to identify legisla-~~
22 ~~tive, regulatory, and other actions to remove barriers~~
23 ~~to qualified vendors in the procurement process, in~~
24 ~~order to build the Federal vendor base, increase~~
25 ~~competition, and address related matters.~~

1 (5) IMPLEMENTATION.—Not later than 2 years
 2 after the date of the enactment of this Act, the Ad-
 3 ministrators shall, in consultation with the Federal
 4 Acquisition Regulatory Council, the Chief Acquisi-
 5 tion Officers Council, the working group, and other
 6 agencies as appropriate, implement the regulatory
 7 and other non-legislative actions identified under
 8 paragraph (4), as determined necessary by the Ad-
 9 ministrators, to remove barriers to entry for those
 10 seeking to participate in Federal Government pro-
 11 curement.

12 (6) 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 (4), and the actions implemented under para-
 17 graph (5).

18 **SEC. 7. INCENTIVIZING EMPLOYEE STOCK OWNERSHIP**
 19 **PLANS FOR BUSINESS GROWTH.**

20 (a) PILOT PROGRAM TO USE NONCOMPETITIVE PRO-
 21 CEDURES FOR CERTAIN FOLLOW-ON CONTRACTS TO
 22 QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN
 23 EMPLOYEE STOCK OWNERSHIP PLAN (ESOP).—

24 (1) ESTABLISHMENT.—The Administrator may
 25 expand the pilot program authorized by section 874

1 of the National Defense Authorization Act for Fiscal
 2 Year 2022 (Public Law 117–81, 10 U.S.C. 3204
 3 note) for Government-wide use, including by coordi-
 4 nating as necessary with the Federal Acquisition
 5 Regulatory Council to make related amendments to
 6 the Federal Acquisition Regulation.

7 (2) FOLLOW-ON CONTRACTS.—Notwithstanding
 8 the requirements of section 3301 of title 41, United
 9 States Code, for purposes of carrying out a Govern-
 10 ment-wide ESOP pilot program established under
 11 paragraph (1), the products or services to be pro-
 12 cured by an executive agency under a follow-on con-
 13 tract with a qualified business wholly-owned through
 14 an ESOP for the continued development, production,
 15 or provision of products or services that are the
 16 same as or substantially similar to the products or
 17 services procured under a prior contract may be pro-
 18 cured through procedures other than competitive
 19 procedures if the performance of the qualified busi-
 20 ness on the prior contract was rated as satisfactory
 21 (or the equivalent) or better.

22 (3) LIMITATION.—A qualified business wholly-
 23 owned through an ESOP may have a single oppor-
 24 tunity for award of a sole-source follow-on contract
 25 under this subsection, unless the senior procurement

1 executive of the executive agency awarding the con-
 2 tract approves a waiver of such limitation.

3 ~~(b) VERIFICATION AND REPORTING OF QUALIFIED~~
 4 ~~BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE~~
 5 ~~STOCK OWNERSHIP PLAN.~~—Under a pilot program estab-
 6 lished under this section, the Administrator shall establish
 7 procedures—

8 (1) for businesses to verify status as a qualified
 9 business wholly-owned through an ESOP for the
 10 purposes of this section by using existing Federal re-
 11 porting mechanisms;

12 ~~(2) for a qualified businesses wholly-owned~~
 13 ~~through an ESOP to certify that not more than 50~~
 14 ~~percent of the amount paid under the contract will~~
 15 ~~be expended on subcontracts, including similarly sit-~~
 16 ~~uated ESOPs if determined appropriate by the Ad-~~
 17 ~~ministrator, subject to such necessary and reason-~~
 18 ~~able waivers as the implementing guidance or regu-~~
 19 ~~lations may prescribe; and~~

20 ~~(3) to record and provide to relevant commit-~~
 21 ~~tees of Congress upon request information on each~~
 22 ~~follow-on contract awarded under authority of this~~
 23 ~~subsection, including details relevant to the nature~~
 24 ~~of such contract and the qualified business wholly-~~
 25 ~~owned through an ESOP that received the contract.~~

1 ~~(e) SUNSET.—A pilot program established under this~~
 2 ~~section shall expire on the date that is 5 years after the~~
 3 ~~date of the enactment of this Act.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Federal Improvement*
 6 *in Technology Procurement Act” or the “FIT Procurement*
 7 *Act”.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *ACQUISITION WORKFORCE.—The term “ac-*
 11 *quisition workforce” means employees of an executive*
 12 *agency who are responsible for procurement, con-*
 13 *tracting, program or project management that in-*
 14 *volves the performance of acquisition-related func-*
 15 *tions, or others as designated by the Chief Acquisition*
 16 *Officer, senior procurement executive, or head of the*
 17 *contracting activity.*

18 (2) *ADMINISTRATOR.—The term “Adminis-*
 19 *trator” means the Administrator for Federal Procure-*
 20 *ment Policy.*

21 (3) *CROSS-FUNCTIONAL.—The term “cross-func-*
 22 *tional” means a structure in which individuals with*
 23 *different functional expertise or from different areas*
 24 *of an organization work together as a team.*

1 (4) *EXECUTIVE AGENCY.*—*The term “executive*
 2 *agency” has the meaning given the term in section*
 3 *133 of title 41, United States Code.*

4 (5) *EXPERIENTIAL LEARNING.*—*The term “expe-*
 5 *riential learning” means on-the-job experiences or*
 6 *simulations that serve to enhance workforce profes-*
 7 *sional skills.*

8 (6) *INFORMATION AND COMMUNICATIONS TECH-*
 9 *NOLOGY.*—*The term “information and communica-*
 10 *tions technology”—*

11 *(A) has the meaning given the term in sec-*
 12 *tion 4713 of title 41, United States Code; and*

13 *(B) includes information and communica-*
 14 *tions technologies covered by definitions con-*
 15 *tained in the Federal Acquisition Regulation, in-*
 16 *cluding definitions added after the date of the*
 17 *enactment of this Act by the Federal Acquisition*
 18 *Regulatory Council pursuant to notice and com-*
 19 *ment.*

20 (7) *RELEVANT COMMITTEES OF CONGRESS.*—*The*
 21 *term “relevant committees of Congress” means the*
 22 *Committee on Homeland Security and Governmental*
 23 *Affairs of the Senate and the Committee on Oversight*
 24 *and Accountability of the House of Representatives.*

1 (8) *SMALL BUSINESS.*—*The term “small busi-*
 2 *ness” has the meaning given the term “small business*
 3 *concern” in section 3 of the Small Business Act (15*
 4 *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 Fed-*
 8 *eral Acquisition Institute shall establish a pilot program*
 9 *to consider the incorporation of experiential learning into*
 10 *the Federal Credentials Program, the Federal Acquisition*
 11 *Certification-Contracting Officer’s Representative (FAC-*
 12 *COR) Program, and the Federal Acquisition Certification*
 13 *for Program and Project Managers (FAC-P/PM) Program,*
 14 *or any successor programs.*

15 (b) *TRAINING ON INFORMATION AND COMMUNICATIONS*
 16 *TECHNOLOGY ACQUISITION.*—

17 (1) *IN GENERAL.*—*Not later than 18 months*
 18 *after the date of the enactment of this Act, the Federal*
 19 *Acquisition Institute, in coordination with the Ad-*
 20 *ministrator, the Administrator of General Services,*
 21 *the Administrator of the Office of Electronic Govern-*
 22 *ment, the Chief Information Officers Council, and the*
 23 *United States Digital Service, and in consultation*
 24 *with others as determined to be appropriate by the*
 25 *Director of the Federal Acquisition Institute, shall de-*

1 *velop and implement or otherwise provide a cross-*
2 *functional information and communications tech-*
3 *nology acquisition training program for acquisition*
4 *workforce members involved in acquiring information*
5 *and communications technology. The training shall—*

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, acquisition*
12 *planning, best practices for developing and exe-*
13 *cuting outcome-based contracts, and source selec-*
14 *tion strategy, evaluating proposals, and award-*
15 *ing and administering contracts for information*
16 *and communications technology;*

17 *(B) include learning objectives that provide*
18 *a basic understanding of key technologies Federal*
19 *agencies need, such as cloud computing, artifi-*
20 *cial intelligence and artificial intelligence-en-*
21 *abled applications, and cybersecurity solutions;*

22 *(C) include learning objectives that encour-*
23 *age the use of commercial or commercially avail-*
24 *able off-the-shelf (COTS) technologies to the*
25 *greatest extent practicable;*

1 (D) include case studies of lessons learned
2 from Federal information and communications
3 technology procurements and contracts, and re-
4 lated matters as deemed relevant by the Director
5 of the Federal Acquisition Institute;

6 (E) include experiential learning opportu-
7 nities, and opportunities to practice acquisition
8 teaming involving collaboration of team members
9 with varied relevant domain expertise to com-
10 plete acquisition-related tasks, including tasks
11 with accelerated timelines;

12 (F) include continuous learning rec-
13 ommendations and resources to keep the skills of
14 acquisition workforce members current, includ-
15 ing tools that help adopt or adapt the use of in-
16 novative acquisition practices or other flexible
17 business practices commonly used in commercial
18 buys;

19 (G) be made available to acquisition work-
20 force members designated by a Chief Acquisition
21 Officer, senior procurement executive, or head of
22 the contracting activity to participate in the
23 training program; and

24 (H) inform executive agencies about stream-
25 lined and alternative procurement methods for

1 *procurement of information and communications*
2 *technology, including—*

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

14 *(ii) innovative procurement techniques*
15 *designed to streamline the procurement*
16 *process and lower barriers to entry, such as*
17 *use of oral presentations and product dem-*
18 *onstrations instead of lengthy written pro-*
19 *posals, appropriately leveraging perform-*
20 *ance and outcomes-based contracting, and*
21 *other techniques discussed on the Periodic*
22 *Table of Acquisition Innovations or other*
23 *similar successor knowledge management*
24 *portals; and*

1 (iii) information on appropriate use,
2 examples and templates, and any other in-
3 formation determined relevant by the Ad-
4 ministrators to assist contracting officers
5 and other members of the acquisition work-
6 force in using the procedures described in
7 clauses (i) and (ii).

8 (I) includes ethical procurement practices
9 as a core component of trainings and provides a
10 mechanism for feedback from program partici-
11 pants to ensure trainings cover ethical procure-
12 ment practices that are aligned with the evolving
13 landscape of technology and procurement;

14 (J) incorporates learning objectives for
15 workforce members to identify and mitigate
16 wasteful practices and unethical behaviors in
17 procurement processes, with a focus on practical
18 applications rather than theoretical knowledge;
19 and

20 (K) incorporates learning objectives on pri-
21 vacy protection and civil liberties safeguards, en-
22 suring that all acquisition workforce members
23 understand the importance of integrating these
24 considerations into the procurement process.

1 (2) *REPORT.*—Not later than 2 years after the
 2 date of the enactment of this Act, the Director of the
 3 Federal Acquisition Institute shall provide to the rel-
 4 evant committees of Congress, the Chief Acquisition
 5 Officers Council, and the Chief Information Officers
 6 Council—

7 (A) a report on the Director’s progress in
 8 developing and implementing or otherwise pro-
 9 viding the information and communications
 10 technology acquisition training described in
 11 paragraph (1); and

12 (B) a list of any acquisition training that
 13 the Director determines to be outdated or no
 14 longer necessary for other reasons.

15 (3) *DURATION.*—The training program shall be
 16 updated as appropriate as technology advances, but
 17 at least every 2 years after implementation, and of-
 18 fered for a minimum of 5 years following the date of
 19 implementation of the training program.

20 (c) *ACQUISITION WORKFORCE TRAINING FUND.*—Sec-
 21 tion 1703(i)(3) of title 41, United States Code, is amended
 22 by striking “Five percent” and inserting “Seven and a half
 23 percent”.

24 (d) *HARMONIZATION OF ACQUISITION WORKFORCE*
 25 *TRAINING REQUIREMENTS.*—The responsibility for the re-

1 *quirement in subsection (b)(1) of section 2 of the AI Train-*
 2 *ing Act (Public Law 117–207; 41 U.S.C. 1703 note) is reas-*
 3 *signed from the Director of the Office of Management and*
 4 *Budget to the Administrator of General Services.*

5 **SEC. 4. INNOVATIVE PROCUREMENT METHODS.**

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

9 *(b) 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” and*
 13 *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 para-*
 20 *graph:*

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*

1 *cloud environments, for which the ordering agency de-*
 2 *fines appropriate access and security standards.”.*

3 **SEC. 5. INCREASING COMPETITION IN FEDERAL CON-**
 4 **TRACTING.**

5 *(a) USE OF PAST PERFORMANCE.—*

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

10 *(A) when a wider range of projects, such as*
 11 *commercial or non-government, as well as Gov-*
 12 *ernment projects, should be accepted as relevant*
 13 *past performance, in order to have increased*
 14 *competition among eligible firms with capability*
 15 *to perform a requirement, such as a requirement*
 16 *without much precedent;*

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

24 *(C) use of alternative evaluation methods*
 25 *other than past performance that may be appro-*

1 *priate for a requirement without much prece-*
 2 *dent, such as demonstrations and testing of tech-*
 3 *nologies as part of the proposal process.*

4 (2) *SUPPLEMENT NOT SUPPLANT.*—*The guidance*
 5 *issued under paragraph (1) shall supplement, not re-*
 6 *place, existing Federal and agency policy and proce-*
 7 *dures for consideration of past performance and other*
 8 *evaluation factors and methods.*

9 (b) *ENHANCING COMPETITION IN FEDERAL PROCURE-*
 10 *MENT.*—

11 (1) *COUNCIL RECOMMENDATIONS.*—*Not later*
 12 *than 90 days after the date of the enactment of this*
 13 *Act, the Administrator shall convene the Chief Acqui-*
 14 *sition Officers' Council (in this section referred to as*
 15 *the "Council"), to make recommendations to identify*
 16 *and eliminate specific, unnecessary procedural bar-*
 17 *riers that disproportionately affect the ability of small*
 18 *businesses to compete for Federal contracts, with a*
 19 *focus on streamlining documentation and qualifica-*
 20 *tion requirements unrelated to the protection of pri-*
 21 *vacv and civil liberties, and related matters.*

22 (2) *CONSULTATION.*—*The Council shall obtain*
 23 *input from the public, including from the APEX Ac-*
 24 *celerators program (formerly known as Procurement*
 25 *Technical Assistance Center (PTAC) network) and*

1 *other contractor representatives, to identify Federal*
 2 *procurement policies and regulations that are obso-*
 3 *lete, overly burdensome or restrictive, not adequately*
 4 *harmonized, or otherwise serve to create barriers to*
 5 *small business participation in Federal contracting*
 6 *or unnecessarily increase bid and proposal costs.*

7 (3) *EXAMINATION OF ACTIONS.*—*The Council*
 8 *shall consider the input obtained under paragraph (3)*
 9 *and any other information determined to be relevant*
 10 *by the Council to identify legislative, regulatory, and*
 11 *other actions to increase competition and remove bar-*
 12 *riers to small business participation in the procure-*
 13 *ment process.*

14 (4) *IMPLEMENTATION.*—*Not later than 2 years*
 15 *after the date of the enactment of this Act, the Admin-*
 16 *istrator shall, in consultation with the Federal Acqui-*
 17 *sition Regulatory Council, the Chief Acquisition Offi-*
 18 *cers Council, and other agencies as appropriate, im-*
 19 *plement the regulatory and other non-legislative ac-*
 20 *tions identified under paragraph (4), as determined*
 21 *necessary by the Administrator, to remove barriers to*
 22 *entry for small businesses seeking to participate in*
 23 *Federal Government procurement.*

24 (5) *BRIEFING.*—*Not later than 2 years after the*
 25 *date of the enactment of this Act, the Administrator*

1 *shall brief the relevant committees of Congress on the*
 2 *legislative actions identified under paragraph (4),*
 3 *and the actions implemented under paragraph (5).*

4 *(c) CONSIDERATION OF COST-EFFICIENCY AND QUAL-*
 5 *ITY.—The Administrator shall advocate for and prioritize*
 6 *contracting policies that ensure that cost-efficiency and*
 7 *quality of goods and services are key determining factors*
 8 *in awarding Federal contracts.*

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

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

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

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

24 *(3) analyzes trends in small business involve-*
 25 *ment in Federal technology projects, including data*

1 *on contract awards, the diversity of sectors rep-*
2 *resented, and the geographic distribution of small*
3 *business contractors.*

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

5 *The Federal Acquisition Regulatory Council and the*
6 *Administrator shall update the Federal Acquisition Regula-*
7 *tion as necessary to provide additional guidance to Federal*
8 *agencies to address personal and organizational conflicts of*
9 *interest involving members of the acquisition workforce.*

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

11 *No additional funds are authorized to be appropriated*
12 *for the purpose of carrying out this Act.*

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A BILL

To improve Federal technology procurement, and
for other purposes.

DECEMBER 9, 2024

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