

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the process for the acquisition of information technology for the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 1197

To authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. SHAHEEN

Viz:

1 At the end, add the following:

2 **DIVISION E—FEDERAL INFOR-**
3 **MATION TECHNOLOGY AC-**
4 **QUISITION REFORM ACT**

5 **SEC. 5001. SHORT TITLE.**

6 This division may be cited as the “Federal Informa-
7 tion Technology Acquisition Reform Act”.

8 **SEC. 5002. TABLE OF CONTENTS.**

9 The table of contents for this division is as follows:

Sec. 5001. Short title.

Sec. 5002. Table of contents.

Sec. 5003. Definitions.

TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY
WITHIN FEDERAL GOVERNMENT

Sec. 5101. Increased authority of agency Chief Information Officers over information technology.

Sec. 5102. Lead coordination role of Chief Information Officers Council.

Sec. 5103. Reports by Government Accountability Office.

TITLE LII—ELIMINATION OF DUPLICATION AND WASTE IN
INFORMATION TECHNOLOGY ACQUISITION

Sec. 5201. Inventory of information technology assets.

Sec. 5202. Website consolidation and transparency.

Sec. 5203. Transition to the cloud.

Sec. 5204. Elimination of unnecessary duplication of contracts by requiring business case analysis.

TITLE LIII—STRENGTHENING AND STREAMLINING INFORMATION
TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management
Practices

Sec. 5301. Establishment of Federal infrastructure and common application collaboration center.

Sec. 5302. Designation of Assisted Acquisition Centers of Excellence.

Subtitle B—Strengthening IT Acquisition Workforce

Sec. 5311. Expansion of training and use of information technology acquisition cadres.

Sec. 5312. Plan on strengthening program and project management performance.

Sec. 5313. Personnel awards for excellence in the acquisition of information systems and information technology.

TITLE LIV—ADDITIONAL REFORMS

Sec. 5401. Maximizing the benefit of the Federal Strategic Sourcing Initiative.

Sec. 5402. Promoting transparency of blanket purchase agreements.

Sec. 5403. Additional source selection technique in solicitations.

Sec. 5404. Enhanced transparency in information technology investments.

Sec. 5405. Enhanced communication between Government and industry.

Sec. 5406. Clarification of current law with respect to technology neutrality in acquisition of software.

1 SEC. 5003. DEFINITIONS.

2 In this division:

3 (1) CHIEF ACQUISITION OFFICERS COUNCIL.—

4 The term “Chief Acquisition Officers Council”

1 means the Chief Acquisition Officers Council estab-
2 lished by section 1311(a) of title 41, United States
3 Code.

4 (2) CHIEF INFORMATION OFFICER.—The term
5 “Chief Information Officer” means a Chief Informa-
6 tion Officer (as designated under section 3506(a)(2)
7 of title 44, United States Code) of an agency listed
8 in section 901(b) of title 31, United States Code.

9 (3) CHIEF INFORMATION OFFICERS COUNCIL.—
10 The term “Chief Information Officers Council” or
11 “CIO Council” means the Chief Information Officers
12 Council established by section 3603(a) of title 44,
13 United States Code.

14 (4) DIRECTOR.—The term “Director” means
15 the Director of the Office of Management and Budg-
16 et.

17 (5) FEDERAL AGENCY.—The term “Federal
18 agency” means each agency listed in section 901(b)
19 of title 31, United States Code.

20 (6) FEDERAL CHIEF INFORMATION OFFICER.—
21 The term “Federal Chief Information Officer”
22 means the Administrator of the Office of Electronic
23 Government established under section 3602 of title
24 44, United States Code.

1 (7) INFORMATION TECHNOLOGY OR IT.—The
2 term “information technology” or “IT” has the
3 meaning provided in section 11101(6) of title 40,
4 United States Code.

5 (8) RELEVANT CONGRESSIONAL COMMIT-
6 TEES.—The term “relevant congressional commit-
7 tees” means each of the following:

8 (A) The Committee on Oversight and Gov-
9 ernment Reform and the Committee on Armed
10 Services of the House of Representatives.

11 (B) The Committee on Homeland Security
12 and Governmental Affairs and the Committee
13 on Armed Services of the Senate.

14 **TITLE LI—MANAGEMENT OF IN-**
15 **FORMATION TECHNOLOGY**
16 **WITHIN FEDERAL GOVERN-**
17 **MENT**

18 **SEC. 5101. INCREASED AUTHORITY OF AGENCY CHIEF IN-**
19 **FORMATION OFFICERS OVER INFORMATION**
20 **TECHNOLOGY.**

21 (a) PRESIDENTIAL APPOINTMENT OF CIOs OF CER-
22 TAIN AGENCIES.—

23 (1) IN GENERAL.—Section 11315 of title 40,
24 United States Code, is amended—

1 (A) by redesignating subsection (a) as sub-
2 section (e) and moving such subsection to the
3 end of the section; and

4 (B) by inserting before subsection (b) the
5 following new subsection (a):

6 “(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION
7 OF CERTAIN CHIEF INFORMATION OFFICERS.—

8 “(1) IN GENERAL.—There shall be within each
9 agency listed in section 901(b)(1) of title 31, other
10 than the Department of Defense, an agency Chief
11 Information Officer. Each agency Chief Information
12 Officer shall—

13 “(A)(i) be appointed by the President; or

14 “(ii) be designated by the President, in
15 consultation with the head of the agency; and

16 “(B) be appointed or designated, as appli-
17 cable, from among individuals who possess dem-
18 onstrated ability in general management of, and
19 knowledge of and extensive practical experience
20 in, information technology management prac-
21 tices in large governmental or business entities.

22 “(2) RESPONSIBILITIES.—An agency Chief In-
23 formation Officer appointed or designated under this
24 section shall report directly to the head of the agen-
25 cy and carry out, on a full-time basis, responsibilities

1 as set forth in this section and in section 3506(a)
2 of title 44 for Chief Information Officers designated
3 under paragraph (2) of such section.”.

4 (2) CONFORMING AMENDMENT.—Section
5 3506(a)(2)(A) of title 44, United States Code, is
6 amended by inserting after “each agency” the fol-
7 lowing: “, other than an agency with a Presidentially
8 appointed or designated Chief Information Officer as
9 provided in section 11315(a)(1) of title 40,”.

10 (b) AUTHORITY RELATING TO BUDGET AND PER-
11 SONNEL.—Section 11315 of title 40, United States Code,
12 is further amended by inserting after subsection (c) the
13 following new subsection:

14 “(d) ADDITIONAL AUTHORITIES FOR CERTAIN
15 CIOs.—

16 “(1) BUDGET-RELATED AUTHORITY.—

17 “(A) PLANNING.—The head of each agen-
18 cy listed in section 901(b)(1) or 901(b)(2) of
19 title 31, other than the Department of Defense,
20 shall ensure that the Chief Information Officer
21 of the agency has the authority to participate in
22 decisions regarding the budget planning process
23 related to information technology or programs
24 that include significant information technology
25 components.

1 “(B) ALLOCATION.—Amounts appro-
2 priated for any agency listed in section
3 901(b)(1) or 901(b)(2) of title 31, other than
4 the Department of Defense, for any fiscal year
5 that are available for information technology
6 shall be allocated within the agency, consistent
7 with the provisions of appropriations Acts and
8 budget guidelines and recommendations from
9 the Director of the Office of Management and
10 Budget, in such manner as may be specified by,
11 or approved by, the Chief Information Officer
12 of the agency in consultation with the Chief Fi-
13 nancial Officer of the agency and budget offi-
14 cials.

15 “(2) PERSONNEL-RELATED AUTHORITY.—The
16 head of each agency listed in section 901(b)(1) or
17 901(b)(2) of title 31, other than the Department of
18 Defense, shall ensure that the Chief Information Of-
19 ficer of the agency has the authority necessary to
20 approve the hiring of personnel who will have infor-
21 mation technology responsibilities within the agency
22 and to require that such personnel have the obliga-
23 tion to report to the Chief Information Officer in a
24 manner considered sufficient by the Chief Informa-
25 tion Officer.”.

1 (c) SINGLE CHIEF INFORMATION OFFICER IN EACH
2 AGENCY.—

3 (1) REQUIREMENT.—Section 3506(a)(3) of title
4 44, United States Code, is amended—

5 (A) by inserting “(A)” after “(3)”; and

6 (B) by adding at the end the following new
7 subparagraph:

8 “(B) Each agency shall have only one indi-
9 vidual with the title and designation of ‘Chief
10 Information Officer’. Any bureau, office, or sub-
11 ordinate organization within the agency may
12 designate one individual with the title ‘Deputy
13 Chief Information Officer’, ‘Associate Chief In-
14 formation Officer’, or ‘Assistant Chief Informa-
15 tion Officer’.”.

16 (2) EFFECTIVE DATE.—Section 3506(a)(3)(B)
17 of title 44, United States Code, as added by para-
18 graph (1), shall take effect as of October 1, 2014.
19 Any individual serving in a position affected by such
20 section before such date may continue in that posi-
21 tion if the requirements of such section are fulfilled
22 with respect to that individual.

1 **SEC. 5102. LEAD COORDINATION ROLE OF CHIEF INFORMA-**
2 **TION OFFICERS COUNCIL.**

3 (a) LEAD COORDINATION ROLE.—Subsection (d) of
4 section 3603 of title 44, United States Code, is amended
5 to read as follows:

6 “(d) LEAD INTERAGENCY FORUM.—

7 “(1) IN GENERAL.—The Council is designated
8 the lead interagency forum for improving agency co-
9 ordination of practices related to the design, develop-
10 ment, modernization, use, operation, sharing, per-
11 formance, and review of Federal Government infor-
12 mation resources investment. As the lead inter-
13 agency forum, the Council shall develop cross-agency
14 portfolio management practices to allow and encour-
15 age the development of cross-agency shared services
16 and shared platforms. The Council shall also issue
17 guidelines and practices for infrastructure and com-
18 mon information technology applications, including
19 expansion of the Federal Enterprise Architecture
20 process if appropriate. The guidelines and practices
21 may address broader transparency, common inputs,
22 common outputs, and outcomes achieved. The guide-
23 lines and practices shall be used as a basis for com-
24 paring performance across diverse missions and op-
25 erations in various agencies.

1 “(2) REPORT.—Not later than December 1 in
2 each of the 6 years following the date of the enact-
3 ment of this paragraph, the Council shall submit to
4 the relevant congressional committees a report (to be
5 known as the ‘CIO Council Report’) summarizing
6 the Council’s activities in the preceding fiscal year
7 and containing such recommendations for further
8 congressional action to fulfill its mission as the
9 Council considers appropriate.

10 “(3) RELEVANT CONGRESSIONAL COMMIT-
11 TEES.—For purposes of the report required by para-
12 graph (2), the relevant congressional committees are
13 each of the following:

14 “(A) The Committee on Oversight and
15 Government Reform and the Committee on
16 Armed Services of the House of Representa-
17 tives.

18 “(B) The Committee on Homeland Secu-
19 rity and Governmental Affairs and the Com-
20 mittee on Armed Services of the Senate.”.

21 (b) ADDITIONAL FUNCTION.—Subsection (f) of sec-
22 tion 3603 of such title is amended by adding at the end
23 the following new paragraph:

24 “(8) Assist the Administrator in developing and
25 providing guidance for effective operations of the

1 Federal Infrastructure and Common Application
2 Collaboration Center established under section
3 11501 of title 40.”.

4 (c) REFERENCES TO ADMINISTRATOR OF E-GOVERN-
5 MENT AS FEDERAL CHIEF INFORMATION OFFICER.—

6 (1) REFERENCES.—Section 3602(b) of title 44,
7 United States Code, is amended by adding at the
8 end the following: “The Administrator may also be
9 referred to as the Federal Chief Information Offi-
10 cer.”.

11 (2) DEFINITION.—Section 3601(1) of such title
12 is amended by inserting “or ‘Federal Chief Informa-
13 tion Officer’ ” before “means”.

14 **SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY**
15 **OFFICE.**

16 (a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—
17 The Comptroller General of the United States shall exam-
18 ine the effectiveness of the Chief Information Officers
19 Council in meeting its responsibilities under section
20 3603(d) of title 44, United States Code, as added by sec-
21 tion 5102, with particular focus on—

22 (1) whether agencies are actively participating
23 in the Council and heeding the Council’s advice and
24 guidance; and

1 (2) whether the Council is actively using and
2 developing the capabilities of the Federal Infrastruc-
3 ture and Common Application Collaboration Center
4 created under section 11501 of title 40, United
5 States Code, as added by section 5301.

6 (b) REPORTS.—Not later than 1 year, 3 years, and
7 5 years after the date of the enactment of this Act, the
8 Comptroller General shall submit to the relevant congres-
9 sional committees a report containing the findings and
10 recommendations of the Comptroller General from the ex-
11 amination required by subsection (a).

12 **TITLE LII—ELIMINATION OF DU-**
13 **PLICATION AND WASTE IN IN-**
14 **FORMATION TECHNOLOGY**
15 **ACQUISITION**

16 **SEC. 5201. INVENTORY OF INFORMATION TECHNOLOGY AS-**
17 **SETS.**

18 (a) PLAN.—The Director shall develop a plan for con-
19 ducting a Governmentwide inventory of information tech-
20 nology assets.

21 (b) MATTERS COVERED.—The plan required by sub-
22 section (a) shall cover the following:

23 (1) The manner in which Federal agencies can
24 achieve the greatest possible economies of scale and
25 cost savings in the procurement of information tech-

1 nology assets, through measures such as reducing
2 hardware or software products or services that are
3 duplicative or overlapping and reducing the procure-
4 ment of new software licenses until such time as
5 agency needs exceed the number of existing and un-
6 used licenses.

7 (2) The capability to conduct ongoing Govern-
8 mentwide inventories of all existing software licenses
9 on an application-by-application basis, including du-
10 plicative, unused, overused, and underused licenses,
11 and to assess the need of agencies for software li-
12 censes.

13 (3) A Governmentwide spending analysis to
14 provide knowledge about how much is being spent
15 for software products or services to support deci-
16 sions for strategic sourcing under the Federal stra-
17 tegic sourcing program managed by the Office of
18 Federal Procurement Policy.

19 (c) OTHER INVENTORIES.—In developing the plan re-
20 quired by subsection (a), the Director shall review the in-
21 ventory of information systems maintained by each agency
22 under section 3505(c) of title 44, United States Code, and
23 the inventory of information resources maintained by each
24 agency under section 3506(b)(4) of such title.

1 (d) AVAILABILITY.—The inventory of information
2 technology assets shall be available to Chief Information
3 Officers and such other Federal officials as the Chief In-
4 formation Officers may, in consultation with the Chief In-
5 formation Officers Council, designate.

6 (e) DEADLINE AND SUBMISSION TO CONGRESS.—
7 Not later than 180 days after the date of the enactment
8 of this Act, the Director shall complete and submit to Con-
9 gress the plan required by subsection (a).

10 (f) IMPLEMENTATION.—Not later than two years
11 after the date of the enactment of this Act, the Director
12 shall complete implementation of the plan required by sub-
13 section (a).

14 (g) REVIEW BY COMPTROLLER GENERAL.—Not later
15 than two years after the date of the enactment of this Act,
16 the Comptroller General of the United States shall review
17 the plan required by subsection (a) and submit to the rel-
18 evant congressional committees a report on the review.

19 **SEC. 5202. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

20 (a) WEBSITE CONSOLIDATION.—The Director
21 shall—

22 (1) in consultation with Federal agencies, and
23 after reviewing the directory of public Federal Gov-
24 ernment websites of each agency (as required to be
25 established and updated under section 207(f)(3) of

1 the E-Government Act of 2002 (Public Law 107–
2 347; 44 U.S.C. 3501 note)), assess all the publicly
3 available websites of Federal agencies to determine
4 whether there are duplicative or overlapping
5 websites; and

6 (2) require Federal agencies to eliminate or
7 consolidate those websites that are duplicative or
8 overlapping.

9 (b) WEBSITE TRANSPARENCY.—The Director shall
10 issue guidance to Federal agencies to ensure that the data
11 on publicly available websites of the agencies are open and
12 accessible to the public.

13 (c) MATTERS COVERED.—In preparing the guidance
14 required by subsection (b), the Director shall—

15 (1) develop guidelines, standards, and best
16 practices for interoperability and transparency;

17 (2) identify interfaces that provide for shared,
18 open solutions on the publicly available websites of
19 the agencies; and

20 (3) ensure that Federal agency Internet home
21 pages, web-based forms, and web-based applications
22 are accessible to individuals with disabilities in con-
23 formance with section 508 of the Rehabilitation Act
24 of 1973 (29 U.S.C. 794d).

1 (d) DEADLINE FOR GUIDANCE.—The guidance re-
2 quired by subsection (b) shall be issued not later than 180
3 days after the date of the enactment of this Act.

4 **SEC. 5203. TRANSITION TO THE CLOUD.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that transition to cloud computing offers significant
7 potential benefits for the implementation of Federal infor-
8 mation technology projects in terms of flexibility, cost, and
9 operational benefits.

10 (b) GOVERNMENTWIDE APPLICATION.—In assessing
11 cloud computing opportunities, the Chief Information Of-
12 ficers Council shall define policies and guidelines for the
13 adoption of Governmentwide programs providing for a
14 standardized approach to security assessment and oper-
15 ational authorization for cloud products and services.

16 (c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSI-
17 TION.—In transitioning to the cloud, a Chief Information
18 Officer of an agency listed in section 901(b) of title 31,
19 United States Code, may establish such cloud service
20 Working Capital Funds, in consultation with the Chief Fi-
21 nancial Officer of the agency, as may be necessary to tran-
22 sition to cloud-based solutions. Notwithstanding any other
23 provision of law, such cloud service Working Capital
24 Funds may preserve funding for cloud service transitions
25 for a period not to exceed 5 years per appropriation. Any

1 establishment of a new Working Capital Fund under this
2 subsection shall be reported to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 and relevant Congressional committees.

5 **SEC. 5204. ELIMINATION OF UNNECESSARY DUPLICATION**
6 **OF CONTRACTS BY REQUIRING BUSINESS**
7 **CASE ANALYSIS.**

8 (a) PURPOSE.—The purpose of this section is to le-
9 verage the Government’s buying power and achieve admin-
10 istrative efficiencies and cost savings by eliminating un-
11 necessary duplication of contracts.

12 (b) REQUIREMENT FOR BUSINESS CASE AP-
13 PROVAL.—

14 (1) IN GENERAL.—Effective on and after 180
15 days after the date of the enactment of this Act, an
16 executive agency may not issue a solicitation for a
17 covered contract vehicle unless the agency performs
18 a business case analysis for the contract vehicle and
19 obtains an approval of the business case analysis
20 from the Administrator for Federal Procurement
21 Policy.

22 (2) REVIEW OF BUSINESS CASE ANALYSIS.—

23 (A) IN GENERAL.—With respect to any
24 covered contract vehicle, the Administrator for
25 Federal Procurement Policy shall review the

1 business case analysis submitted for the con-
2 tract vehicle and provide an approval or dis-
3 approval within 60 days after the date of sub-
4 mission. Any business case analysis not dis-
5 approved within such 60-day period is deemed
6 to be approved.

7 (B) BASIS FOR APPROVAL OF BUSINESS
8 CASE.—The Administrator for Federal Procure-
9 ment Policy shall approve or disapprove a busi-
10 ness case analysis based on the adequacy of the
11 analysis submitted. The Administrator shall
12 give primary consideration to whether an agen-
13 cy has demonstrated a compelling need that
14 cannot be satisfied by existing Governmentwide
15 contract vehicles in a timely and cost-effective
16 manner.

17 (3) CONTENT OF BUSINESS CASE ANALYSIS.—
18 The Administrator for Federal Procurement Policy
19 shall issue guidance specifying the content for a
20 business case analysis submitted pursuant to this
21 section. At a minimum, the business case analysis
22 shall include details on the administrative resources
23 needed for such contract vehicle, including an anal-
24 ysis of all direct and indirect costs to the Federal
25 Government of awarding and administering such

1 contract vehicle and the impact such contract vehicle
2 will have on the ability of the Federal Government
3 to leverage its purchasing power.

4 (c) DEFINITIONS.—

5 (1) COVERED CONTRACT VEHICLE.—The term
6 “covered contract vehicle” has the meaning provided
7 by the Administrator for Federal Procurement Pol-
8 icy in guidance issued pursuant to this section and
9 includes, at a minimum, any Governmentwide con-
10 tract vehicle , whether for acquisition of information
11 technology or other goods or services, in an amount
12 greater than \$50,000,000 (or \$10,000,000, deter-
13 mined on an average annual basis, in the case of
14 such a contract vehicle performed over more than
15 one year). The term does not include a multiple
16 award schedule contract awarded by the General
17 Services Administration, a Governmentwide acquisi-
18 tion contract for information technology awarded
19 pursuant to sections 11302(e) and 11314(a)(2) of
20 title 40, United States Code, or orders against exist-
21 ing Governmentwide contract vehicles.

22 (2) GOVERNMENTWIDE CONTRACT VEHICLE
23 AND EXECUTIVE AGENCY.—The terms “Govern-
24 mentwide contract vehicle” and “executive agency”

1 have the meanings provided in section 11501 of title
2 40, United States Code, as added by section 5301.

3 (d) REPORT.—Not later than June 1 in each of the
4 next 6 years following the date of the enactment of this
5 Act, the Administrator for Federal Procurement Policy
6 shall submit to the relevant congressional committees a
7 report on the implementation of this section, including a
8 summary of the submissions, reviews, approvals, and dis-
9 approvals of business case analyses pursuant to this sec-
10 tion.

11 (e) GUIDANCE.—The Administrator for Federal Pro-
12 curement Policy shall issue guidance for implementing this
13 section.

14 (f) REVISION OF FAR.—Not later than 180 days after
15 the date of the enactment of this Act, the Federal Acquisi-
16 tion Regulation shall be amended to implement this sec-
17 tion.

1 **TITLE LIII—STRENGTHENING**
 2 **AND STREAMLINING INFOR-**
 3 **MATION TECHNOLOGY AC-**
 4 **QUISITION MANAGEMENT**
 5 **PRACTICES**

6 **Subtitle A—Strengthening and**
 7 **Streamlining IT Program Man-**
 8 **agement Practices**

9 **SEC. 5301. ESTABLISHMENT OF FEDERAL INFRASTRUC-**
 10 **TURE AND COMMON APPLICATION COLLABO-**
 11 **RATION CENTER.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Chapter 115 of title 40,
 14 United States Code, is amended to read as follows:

15 **“CHAPTER 115—INFORMATION TECH-**
 16 **NOLOGY ACQUISITION MANAGEMENT**
 17 **PRACTICES**

“Sec.

“11501. Federal infrastructure and common application collaboration center.

18 **“§ 11501. Federal infrastructure and common applica-**
 19 **tion collaboration center**

20 “(a) ESTABLISHMENT AND PURPOSES.—The Direc-
 21 tor of the Office of Management and Budget shall estab-
 22 lish a Federal Infrastructure and Common Application
 23 Collaboration Center (hereafter in this section referred to
 24 as the ‘Collaboration Center’) within the Office of Elec-

1 tronic Government established under section 3602 of title
2 44 in accordance with this section. The purposes of the
3 Collaboration Center are to serve as a focal point for co-
4 ordinated program management practices and to develop
5 and maintain requirements for the acquisition of IT infra-
6 structure and common applications commonly used by var-
7 ious Federal agencies.

8 “(b) ORGANIZATION OF CENTER.—

9 “(1) MEMBERSHIP.—The Center shall consist
10 of the following members:

11 “(A) An appropriate number, as deter-
12 mined by the CIO Council, but not less than
13 12, full-time program managers or cost special-
14 ists, all of whom have appropriate experience in
15 the private or Government sector in managing
16 or overseeing acquisitions of IT infrastructure
17 and common applications.

18 “(B) At least 1 full-time detailee from
19 each of the Federal agencies listed in section
20 901(b) of title 31, nominated by the respective
21 agency chief information officer for a detail pe-
22 riod of not less than 2 years.

23 “(2) WORKING GROUPS.—The Collaboration
24 Center shall have working groups that specialize in
25 IT infrastructure and common applications identi-

1 fied by the CIO Council. Each working group shall
2 be headed by a separate dedicated program manager
3 appointed by the Federal Chief Information Officer.

4 “(c) CAPABILITIES AND FUNCTIONS OF THE COL-
5 LABORATION CENTER.—For each of the IT infrastructure
6 and common application areas identified by the CIO Coun-
7 cil, the Collaboration Center shall perform the following
8 roles, and any other functions as directed by the Federal
9 Chief Information Officer:

10 “(1) Develop, maintain, and disseminate re-
11 quirements suitable to establish contracts that will
12 meet the common and general needs of various Fed-
13 eral agencies as determined by the Center. In doing
14 so, the Center shall give maximum consideration to
15 the adoption of commercial standards and industry
16 acquisition best practices, including opportunities for
17 shared services, consideration of total cost of owner-
18 ship, preference for industry-neutral functional spec-
19 ifications leveraging open industry standards and
20 competition, and use of long-term contracts, as ap-
21 propriate.

22 “(2) Develop, maintain, and disseminate reli-
23 able cost estimates that are accurate, comprehensive,
24 well-documented, and credible.

1 “(3) Lead the review of significant or troubled
2 IT investments or acquisitions as identified by the
3 CIO Council.

4 “(4) Provide expert aid to troubled IT invest-
5 ments or acquisitions.

6 “(d) GUIDANCE.—The Director, in consultation with
7 the Chief Information Officers Council, shall issue guid-
8 ance addressing the scope and operation of the Collabora-
9 tion Center. The guidance shall require that the Collabora-
10 tion Center report to the Federal Chief Information Offi-
11 cer.

12 “(e) REPORT TO CONGRESS.—

13 “(1) IN GENERAL.—The Director shall annually
14 submit to the relevant congressional committees a
15 report detailing the organization, staff, and activities
16 of the Collaboration Center, including—

17 “(A) a list of IT infrastructure and com-
18 mon applications the Center assisted;

19 “(B) an assessment of the Center’s
20 achievement in promoting efficiency, shared
21 services, and elimination of unnecessary Gov-
22 ernment requirements that are contrary to com-
23 mercial best practices; and

24 “(C) the use and expenditure of amounts
25 in the Fund established under subsection (i).

1 “(2) INCLUSION IN OTHER REPORT.—The re-
2 port may be included as part of the annual E-Gov-
3 ernment status report required under section 3606
4 of title 44.

5 “(f) IMPROVEMENT OF THE GOVERNMENTWIDE
6 SOFTWARE PURCHASING PROGRAM.—

7 “(1) IN GENERAL.—The Collaboration Center,
8 in collaboration with the Office of Federal Procure-
9 ment Policy, the Department of Defense, and the
10 General Services Administration, shall identify and
11 develop a strategic sourcing initiative to enhance
12 Governmentwide acquisition, shared use, and dis-
13 semination of software, as well as compliance with
14 end user license agreements.

15 “(2) EXAMINATION OF METHODS.—In devel-
16 oping the initiative under paragraph (1), the Col-
17 laboration Center shall examine the use of realistic
18 and effective demand aggregation models supported
19 by actual agency commitment to use the models, and
20 supplier relationship management practices, to more
21 effectively govern the Government’s acquisition of in-
22 formation technology.

23 “(3) GOVERNMENTWIDE USER LICENSE AGREE-
24 MENT.—The Collaboration Center, in developing the
25 initiative under paragraph (1), shall allow for the

1 purchase of a license agreement that is available for
2 use by all executive agencies as one user to the max-
3 imum extent practicable and as appropriate.

4 “(g) GUIDELINES FOR ACQUISITION OF IT INFRA-
5 STRUCTURE AND COMMON APPLICATIONS.—

6 “(1) GUIDELINES.—The Collaboration Center
7 shall establish guidelines that, to the maximum ex-
8 tent possible, eliminate inconsistent practices among
9 executive agencies and ensure uniformity and con-
10 sistency in acquisition processes for IT infrastruc-
11 ture and common applications across the Federal
12 Government.

13 “(2) CENTRAL WEBSITE.—In preparing the
14 guidelines, the Collaboration Center, in consultation
15 with the Chief Acquisition Officers Council, shall
16 offer executive agencies the option of accessing a
17 central website for best practices, templates, and
18 other relevant information.

19 “(h) PRICING TRANSPARENCY.—The Collaboration
20 Center, in collaboration with the Office of Federal Pro-
21 curement Policy, the Chief Acquisition Officers Council,
22 the General Services Administration, and the Assisted Ac-
23 quisition Centers of Excellence, shall compile a price list
24 and catalogue containing current pricing information by
25 vendor for each of its IT infrastructure and common appli-

1 cations categories. The price catalogue shall contain any
2 price provided by a vendor for the same or similar good
3 or service to any executive agency. The catalogue shall be
4 developed in a fashion ensuring that it may be used for
5 pricing comparisons and pricing analysis using standard
6 data formats. The price catalogue shall not be made pub-
7 lic, but shall be accessible to executive agencies.

8 “(i) FEDERAL IT ACQUISITION MANAGEMENT IM-
9 PROVEMENT FUND.—

10 “(1) ESTABLISHMENT AND MANAGEMENT OF
11 FUND.—There is a Federal IT Acquisition Manage-
12 ment Improvement Fund (in this subsection referred
13 to as the ‘Fund’). The Administrator of General
14 Services shall manage the Fund through the Col-
15 laboration Center to support the activities of the
16 Collaboration Center carried out pursuant to this
17 section. The Administrator of General Services shall
18 consult with the Director in managing the Fund.

19 “(2) CREDITS TO FUND.—Five percent of the
20 fees collected by executive agencies under the fol-
21 lowing contracts shall be credited to the Fund:

22 “(A) Governmentwide task and delivery
23 order contracts entered into under sections
24 4103 and 4105 of title 41.

1 “(B) Governmentwide contracts for the ac-
2 quisition of information technology and multi-
3 agency acquisition contracts for that technology
4 authorized by section 11314 of this title.

5 “(C) Multiple-award schedule contracts en-
6 tered into by the Administrator of General
7 Services.

8 “(3) REMITTANCE BY HEAD OF EXECUTIVE
9 AGENCY.—The head of an executive agency that ad-
10 ministers a contract described in paragraph (2) shall
11 remit to the General Services Administration the
12 amount required to be credited to the Fund with re-
13 spect to the contract at the end of each quarter of
14 the fiscal year.

15 “(4) AMOUNTS NOT TO BE USED FOR OTHER
16 PURPOSES.—The Administrator of General Services,
17 through the Office of Management and Budget, shall
18 ensure that amounts collected under this subsection
19 are not used for a purpose other than the activities
20 of the Collaboration Center carried out pursuant to
21 this section.

22 “(5) AVAILABILITY OF AMOUNTS.—Amounts
23 credited to the Fund remain available to be ex-
24 pended only in the fiscal year for which they are
25 credited and the 4 succeeding fiscal years.

1 “(j) DEFINITIONS.—In this section:

2 “(1) EXECUTIVE AGENCY.—The term ‘executive
3 agency’ has the meaning provided that term by sec-
4 tion 105 of title 5.

5 “(2) FEDERAL CHIEF INFORMATION OFFI-
6 CER.—The term ‘Federal Chief Information Officer’
7 means the Administrator of the Office of Electronic
8 Government established under section 3602 of title
9 44.

10 “(3) GOVERNMENTWIDE CONTRACT VEHICLE.—
11 The term ‘Governmentwide contract vehicle’ means
12 any contract, blanket purchase agreement, or other
13 contractual instrument that allows for an indefinite
14 number of orders to be placed within the contract,
15 agreement, or instrument, and that is established by
16 one executive agency for use by multiple executive
17 agencies to obtain supplies and services.

18 “(4) RELEVANT CONGRESSIONAL COMMIT-
19 TEES.—The term ‘relevant congressional commit-
20 tees’ means each of the following:

21 “(A) The Committee on Oversight and
22 Government Reform and the Committee on
23 Armed Services of the House of Representa-
24 tives.

1 “(B) The Committee on Homeland Secu-
 2 rity and Governmental Affairs and the Com-
 3 mittee on Armed Services of the Senate.

4 “(k) REVISION OF FAR.—The Federal Acquisition
 5 Regulation shall be amended to implement this section.”.

6 (2) CLERICAL AMENDMENT.—The item relating
 7 to chapter 115 in the table of chapters at the begin-
 8 ning of subtitle III of title 40, United States Code,
 9 is amended to read as follows:

**“115. Information Technology Acquisition Management
 Practices11501”.**

10 (b) DEADLINES.—

11 (1) Not later than 180 days after the date of
 12 the enactment of this Act, the Director shall issue
 13 guidance under section 11501(d) of title 40, United
 14 States Code, as added by subsection (a).

15 (2) Not later than 1 year after the date of the
 16 enactment of this Act, the Director shall establish
 17 the Federal Infrastructure and Common Application
 18 Collaboration Center, in accordance with section
 19 11501(a) of such title, as so added.

20 (3) Not later than 2 years after the date of the
 21 enactment of this Act, the Federal Infrastructure
 22 and Common Application Collaboration Center
 23 shall—

1 (A) identify and develop a strategic
2 sourcing initiative in accordance with section
3 11501(f) of such title, as so added; and

4 (B) establish guidelines in accordance with
5 section 11501(g) of such title, as so added.

6 (c) CONFORMING AMENDMENT.—Section 3602(c) of
7 title 44, United States Code, is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

10 (2) by redesignating paragraph (3) as para-
11 graph (4); and

12 (3) by inserting after paragraph (2) the fol-
13 lowing new paragraph (3):

14 “(3) all of the functions of the Federal Infra-
15 structure and Common Application Collaboration
16 Center, as required under section 11501 of title 40;
17 and”.

18 **SEC. 5302. DESIGNATION OF ASSISTED ACQUISITION CEN-**
19 **TERS OF EXCELLENCE.**

20 (a) DESIGNATION.—Chapter 115 of title 40, United
21 States Code, as amended by section 5301, is further
22 amended by adding at the end the following new section:

1 **“§ 11502. Assisted Acquisition Centers of Excellence**

2 “(a) PURPOSE.—The purpose of this section is to de-
3 velop specialized assisted acquisition centers of excellence
4 within the Federal Government to promote—

5 “(1) the effective use of best acquisition prac-
6 tices;

7 “(2) the development of specialized expertise in
8 the acquisition of information technology; and

9 “(3) Governmentwide sharing of acquisition ca-
10 pability to augment any shortage in the information
11 technology acquisition workforce.

12 “(b) DESIGNATION OF AACES.—Not later than 1
13 year after the date of the enactment of this section, and
14 every 3 years thereafter, the Director of the Office of Man-
15 agement and Budget, in consultation with the Chief Ac-
16 quisition Officers Council and the Chief Information Offi-
17 cers Council, shall designate, redesignate, or withdraw the
18 designation of acquisition centers of excellence within var-
19 ious executive agencies to carry out the functions set forth
20 in subsection (c) in an area of specialized acquisition ex-
21 pertise as determined by the Director. Each such center
22 of excellence shall be known as an ‘Assisted Acquisition
23 Center of Excellence’ or an ‘AAACE’.

24 “(c) FUNCTIONS.—The functions of each AAACE are
25 as follows:

1 “(1) BEST PRACTICES.—To promote, develop,
2 and implement the use of best acquisition practices
3 in the area of specialized acquisition expertise that
4 the AACE is designated to carry out by the Director
5 under subsection (b).

6 “(2) ASSISTED ACQUISITIONS.—To assist all
7 Government agencies in the expedient and low-cost
8 acquisition of the information technology goods or
9 services covered by such area of specialized acquisi-
10 tion expertise by engaging in repeated and frequent
11 acquisition of similar information technology require-
12 ments.

13 “(3) DEVELOPMENT AND TRAINING OF IT AC-
14 QUISITION WORKFORCE.—To assist in recruiting and
15 training IT acquisition cadres (referred to in section
16 1704(j) of title 41).

17 “(d) CRITERIA.—In designating, redesignating, or
18 withdrawing the designation of an AACE, the Director
19 shall consider, at a minimum, the following matters:

20 “(1) The subject matter expertise of the host
21 agency in a specific area of information technology
22 acquisition.

23 “(2) For acquisitions of IT infrastructure and
24 common applications covered by the Federal Infra-
25 structure and Common Application Collaboration

1 Center established under section 11501 of this title,
2 the ability and willingness to collaborate with the
3 Collaboration Center and adhere to the requirements
4 standards established by the Collaboration Center.

5 “(3) The ability of an AACE to develop cus-
6 tomized requirements documents that meet the
7 needs of executive agencies as well as the current in-
8 dustry standards and commercial best practices.

9 “(4) The ability of an AACE to consistently
10 award and manage various contracts, task or deliv-
11 ery orders, and other acquisition arrangements in a
12 timely, cost-effective, and compliant manner.

13 “(5) The ability of an AACE to aggregate de-
14 mands from multiple executive agencies for similar
15 information technology goods or services and fulfill
16 those demands in one acquisition.

17 “(6) The ability of an AACE to acquire innova-
18 tive or emerging commercial and noncommercial
19 technologies using various contracting methods, in-
20 cluding ways to lower the entry barriers for small
21 businesses with limited Government contracting ex-
22 periences.

23 “(7) The ability of an AACE to maximize com-
24 mercial item acquisition, effectively manage high-risk
25 contract types, increase competition, promote small

1 business participation, and maximize use of available
2 Governmentwide contract vehicles.

3 “(8) The existence of an in-house cost esti-
4 mating group with expertise to consistently develop
5 reliable cost estimates that are accurate, comprehen-
6 sive, well-documented, and credible.

7 “(9) The ability of an AACE to employ best
8 practices and educate requesting agencies, to the
9 maximum extent practicable, regarding critical fac-
10 tors underlying successful major IT acquisitions, in-
11 cluding the following factors:

12 “(A) Active engagement by program offi-
13 cials with stakeholders.

14 “(B) Possession by program staff of the
15 necessary knowledge and skills.

16 “(C) Support of the programs by senior
17 department and agency executives.

18 “(D) Involvement by end users and stake-
19 holders in the development of requirements.

20 “(E) Participation by end users in testing
21 of system functionality prior to formal end user
22 acceptance testing.

23 “(F) Stability and consistency of Govern-
24 ment and contractor staff.

1 “(G) Prioritization of requirements by pro-
2 gram staff.

3 “(H) Maintenance of regular communica-
4 tion with the prime contractor by program offi-
5 cials.

6 “(I) Receipt of sufficient funding by pro-
7 grams.

8 “(10) The ability of an AACE to run an effec-
9 tive acquisition intern program in collaboration with
10 the Federal Acquisition Institute or the Defense Ac-
11 quisition University.

12 “(11) The ability of an AACE to effectively and
13 properly manage fees received for assisted acquisi-
14 tions pursuant to this section.

15 “(e) FUNDS RECEIVED BY AACEs.—

16 “(1) AVAILABILITY.—Notwithstanding any
17 other provision of law or regulation, funds obligated
18 and transferred from an executive agency in a fiscal
19 year to an AACE for the acquisition of goods or
20 services covered by an area of specialized acquisition
21 expertise of an AACE, regardless of whether the re-
22 quirements are severable or non-severable, shall re-
23 main available for awards of contracts by the AACE
24 for the same general requirements for the next 5 fis-

1 cal years following the fiscal year in which the funds
2 were transferred.

3 “(2) TRANSITION TO NEW AACE.—If the AACE
4 to which the funds are provided under paragraph (1)
5 becomes unable to fulfill the requirements of the ex-
6 ecutive agency from which the funds were provided,
7 the funds may be provided to a different AACE to
8 fulfill such requirements. The funds so provided
9 shall be used for the same purpose and remain avail-
10 able for the same period of time as applied when
11 provided to the original AACE.

12 “(3) RELATIONSHIP TO EXISTING AUTHORI-
13 TIES.—This subsection does not limit any existing
14 authorities an AACE may have under its revolving
15 or working capital funds authorities.

16 “(f) GOVERNMENT ACCOUNTABILITY OFFICE RE-
17 VIEW OF AACE.—

18 “(1) REVIEW.—The Comptroller General of the
19 United States shall review and assess—

20 “(A) the use and management of fees re-
21 ceived by the AACEs pursuant to this section
22 to ensure that an appropriate fee structure is
23 established and enforced to cover activities ad-
24 dressed in this section and that no excess fees
25 are charged or retained; and

1 “(B) the effectiveness of the AACES in
2 achieving the purpose described in subsection
3 (a), including review of contracts.

4 “(2) REPORTS.—Not later than 1 year after the
5 designation or redesignation of AACES under sub-
6 section (b), the Comptroller General shall submit to
7 the relevant congressional committees a report con-
8 taining the findings and assessment under para-
9 graph (1).

10 “(g) DEFINITIONS.—In this section:

11 “(1) ASSISTED ACQUISITION.—The term ‘as-
12 sisted acquisition’ means a type of interagency ac-
13 quisition in which the parties enter into an inter-
14 agency agreement pursuant to which—

15 “(A) the servicing agency performs acquisi-
16 tion activities on the requesting agency’s behalf,
17 such as awarding, administering, or closing out
18 a contract, task order, delivery order, or blanket
19 purchase agreement; and

20 “(B) funding is provided through a fran-
21 chise fund, the Acquisition Services Fund in
22 section 321 of this title, sections 1535 and
23 1536 of title 31, or other available methods.

1 “(2) EXECUTIVE AGENCY.—The term ‘executive
2 agency’ has the meaning provided that term by sec-
3 tion 133 of title 41.

4 “(3) RELEVANT CONGRESSIONAL COMMIT-
5 TEES.—The term ‘relevant congressional commit-
6 tees’ has the meaning provided that term by section
7 11501 of this title.

8 “(h) REVISION OF FAR.—The Federal Acquisition
9 Regulation shall be amended to implement this section.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 115 of title 40, United States
12 Code, as amended by section 5301, is further amended
13 by adding at the end the following new item:

 “11502. Assisted Acquisition Centers of Excellence.”.

14 **Subtitle B—Strengthening IT**
15 **Acquisition Workforce**

16 **SEC. 5311. EXPANSION OF TRAINING AND USE OF INFORMA-**
17 **TION TECHNOLOGY ACQUISITION CADRES.**

18 (a) PURPOSE.—The purpose of this section is to en-
19 sure timely progress by Federal agencies toward devel-
20 oping, strengthening, and deploying personnel with highly
21 specialized skills in information technology acquisition, in-
22 cluding program and project managers, to be known as
23 information technology acquisition cadres.

1 (b) REPORT TO CONGRESS.—Section 1704 of title
2 41, United States Code, is amended by adding at the end
3 the following new subsection:

4 “(j) STRATEGIC PLAN ON INFORMATION TECH-
5 NOLOGY ACQUISITION CADRES.—

6 “(1) FIVE-YEAR STRATEGIC PLAN TO CON-
7 GRESS.—Not later than June 1 following the date of
8 the enactment of this subsection, the Director shall
9 submit to the relevant congressional committees a 5-
10 year strategic plan (to be known as the ‘IT Acquisi-
11 tion Cadres Strategic Plan’) to develop, strengthen,
12 and solidify information technology acquisition cad-
13 res. The plan shall include a timeline for implemen-
14 tation of the plan and identification of individuals
15 responsible for specific elements of the plan during
16 the 5-year period covered by the plan.

17 “(2) MATTERS COVERED.—The plan shall ad-
18 dress, at a minimum, the following matters:

19 “(A) Current information technology ac-
20 quisition staffing challenges in Federal agen-
21 cies, by previous year’s information technology
22 acquisition value, and by the Federal Govern-
23 ment as a whole.

24 “(B) The variety and complexity of infor-
25 mation technology acquisitions conducted by

1 each Federal agency covered by the plan, and
2 the specialized information technology acquisi-
3 tion workforce needed to effectively carry out
4 such acquisitions.

5 “(C) The development of a sustainable
6 funding model to support efforts to hire, retain,
7 and train an information technology acquisition
8 cadre of appropriate size and skill to effectively
9 carry out the acquisition programs of the Fed-
10 eral agencies covered by the plan, including an
11 examination of interagency funding methods
12 and a discussion of how the model of the De-
13 fense Acquisition Workforce Development Fund
14 could be applied to civilian agencies.

15 “(D) Any strategic human capital planning
16 necessary to hire, retain, and train an informa-
17 tion acquisition cadre of appropriate size and
18 skill at each Federal agency covered by the
19 plan.

20 “(E) Governmentwide training standards
21 and certification requirements necessary to en-
22 hance the mobility and career opportunities of
23 the Federal information technology acquisition
24 cadre within the Federal agencies covered by
25 the plan.

1 “(F) New and innovative approaches to
2 workforce development and training, including
3 cross-functional training, rotational develop-
4 ment, and assignments both within and outside
5 the Government.

6 “(G) Appropriate consideration and align-
7 ment with the needs and priorities of the Infra-
8 structure and Common Application Collabora-
9 tion Center, Assisted Acquisition Centers of Ex-
10 cellence, and acquisition intern programs.

11 “(H) Assessment of the current workforce
12 competency and usage trends in evaluation
13 technique to obtain best value, including proper
14 handling of tradeoffs between price and
15 nonprice factors.

16 “(I) Assessment of the current workforce
17 competency in designing and aligning perform-
18 ance goals, life cycle costs, and contract incen-
19 tives.

20 “(J) Assessment of the current workforce
21 competency in avoiding brand-name preference
22 and using industry-neutral functional specifica-
23 tions to leverage open industry standards and
24 competition.

1 “(K) Use of integrated program teams, in-
2 cluding fully dedicated program managers, for
3 each complex information technology invest-
4 ment.

5 “(L) Proper assignment of recognition or
6 accountability to the members of an integrated
7 program team for both individual functional
8 goals and overall program success or failure.

9 “(M) The development of a technology fel-
10 lows program that includes provisions for re-
11 cruiting, for rotation of assignments, and for
12 partnering directly with universities with well-
13 recognized information technology programs.

14 “(N) The capability to properly manage
15 other transaction authority (where such author-
16 ity is granted), including ensuring that the use
17 of the authority is warranted due to unique
18 technical challenges, rapid adoption of innova-
19 tive or emerging commercial or noncommercial
20 technologies, or other circumstances that can-
21 not readily be satisfied using a contract, grant,
22 or cooperative agreement in accordance with ap-
23 plicable law and the Federal Acquisition Regu-
24 lation.

1 “(O) The use of student internship and
2 scholarship programs as a talent pool for per-
3 manent hires and the use and impact of special
4 hiring authorities and flexibilities to recruit di-
5 verse candidates.

6 “(P) The assessment of hiring manager
7 satisfaction with the hiring process and hiring
8 outcomes, including satisfaction with the quality
9 of applicants interviewed and hires made.

10 “(Q) The assessment of applicant satisfac-
11 tion with the hiring process, including the clar-
12 ity of the hiring announcement, the user-friend-
13 liness of the application process, communication
14 from the hiring manager or agency regarding
15 application status, and timeliness of the hiring
16 decision.

17 “(R) The assessment of new hire satisfac-
18 tion with the onboarding process, including the
19 orientation process, and investment in training
20 and development for employees during their
21 first year of employment.

22 “(S) Any other matters the Director con-
23 siders appropriate.

24 “(3) ANNUAL REPORT.—Not later than June 1
25 in each of the 5 years following the year of submis-

1 sion of the plan required by paragraph (1), the Di-
2 rector shall submit to the relevant congressional
3 committees an annual report outlining the progress
4 made pursuant to the plan.

5 “(4) GOVERNMENT ACCOUNTABILITY OFFICE
6 REVIEW OF THE PLAN AND ANNUAL REPORT.—

7 “(A) Not later than 1 year after the sub-
8 mission of the plan required by paragraph (1),
9 the Comptroller General of the United States
10 shall review the plan and submit to the relevant
11 congressional committees a report on the re-
12 view.

13 “(B) Not later than 6 months after the
14 submission of the first, third, and fifth annual
15 report required under paragraph (3), the Comp-
16 troller General shall independently assess the
17 findings of the annual report and brief the rel-
18 evant congressional committees on the Comp-
19 troller General’s findings and recommendations
20 to ensure the objectives of the plan are accom-
21 plished.

22 “(5) DEFINITIONS.—In this subsection:

23 “(A) The term ‘Federal agency’ means
24 each agency listed in section 901(b) of title 31.

1 “(B) The term ‘relevant congressional
2 committees’ means each of the following:

3 “(i) The Committee on Oversight and
4 Government Reform and the Committee on
5 Armed Services of the House of Represent-
6 atives.

7 “(ii) The Committee on Homeland Se-
8 curity and Governmental Affairs and the
9 Committee on Armed Services of the Sen-
10 ate.”.

11 **SEC. 5312. PLAN ON STRENGTHENING PROGRAM AND**
12 **PROJECT MANAGEMENT PERFORMANCE.**

13 (a) PLAN ON STRENGTHENING PROGRAM AND
14 PROJECT MANAGEMENT PERFORMANCE.—Not later than
15 June 1 following the date of the enactment of this Act,
16 the Director, in consultation with the Director of the Of-
17 fice of Personnel Management, shall submit to the relevant
18 congressional committees a plan for improving manage-
19 ment of IT programs and projects.

20 (b) MATTERS COVERED.—The plan required by sub-
21 section (a) shall include, at a minimum, the following:

22 (1) Creation of a specialized career path for
23 program management.

1 (2) The development of a competency model for
2 program management consistent with the IT project
3 manager model.

4 (3) A career advancement model that requires
5 appropriate expertise and experience for advance-
6 ment.

7 (4) A career advancement model that is more
8 competitive with the private sector and that recog-
9 nizes both Government and private sector experi-
10 ence.

11 (5) Appropriate consideration and alignment
12 with the needs and priorities of the Infrastructure
13 and Common Application Collaboration Center, the
14 Assisted Acquisition Centers of Excellence, and ac-
15 quisition intern programs.

16 (c) COMBINATION WITH OTHER CADRES PLAN.—
17 The Director may combine the plan required by subsection
18 (a) with the IT Acquisition Cadres Strategic Plan required
19 under section 1704(j) of title 41, United States Code, as
20 added by section 411.

21 **SEC. 5313. PERSONNEL AWARDS FOR EXCELLENCE IN THE**
22 **ACQUISITION OF INFORMATION SYSTEMS**
23 **AND INFORMATION TECHNOLOGY.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Director of the Of-

1 fice of Personnel Management shall develop policy and
2 guidance for agencies to develop a program to recognize
3 excellent performance by Federal Government employees
4 and teams of such employees in the acquisition of informa-
5 tion systems and information technology for the agency.

6 (b) ELEMENTS.—The program referred to in sub-
7 section (a) shall, to the extent practicable—

8 (1) obtain objective outcome measures; and

9 (2) include procedures for—

10 (A) the nomination of Federal Government
11 employees and teams of such employees for eli-
12 gibility for recognition under the program; and

13 (B) the evaluation of nominations for rec-
14 ognition under the program by 1 or more agen-
15 cy panels of individuals from Government, aca-
16 demia, and the private sector who have such ex-
17 pertise, and are appointed in such a manner, as
18 the Director of the Office of Personal Manage-
19 ment shall establish for purposes of the pro-
20 gram.

21 (c) AWARD OF CASH BONUSES AND OTHER INCEN-
22 TIVES.—In carrying out the program referred to in sub-
23 section (a), the Director of the Office of Personnel Man-
24 agement, in consultation with the Director of the Office
25 of Management and Budget, shall establish policies and

1 guidance for agencies to reward any Federal Government
2 employee or teams of such employees recognized pursuant
3 to the program—

4 (1) with a cash bonus, to the extent that the
5 performance of such individual or team warrants the
6 award of such bonus and is authorized by any provi-
7 sion of law;

8 (2) through promotions and other nonmonetary
9 awards;

10 (3) by publicizing—

11 (A) acquisition accomplishments by indi-
12 vidual employees; and

13 (B) the tangible end benefits that resulted
14 from such accomplishments, as appropriate;
15 and

16 (4) through other awards, incentives, or bo-
17 nuses that the head of the agency considers appro-
18 priate.

19 **TITLE LIV—ADDITIONAL**
20 **REFORMS**

21 **SEC. 5401. MAXIMIZING THE BENEFIT OF THE FEDERAL**
22 **STRATEGIC SOURCING INITIATIVE.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Administrator for Federal Procure-
25 ment Policy shall prescribe regulations providing that

1 when the Federal Government makes a purchase of serv-
2 ices and supplies offered under the Federal Strategic
3 Sourcing Initiative (managed by the Office of Federal Pro-
4 curement Policy) but such Initiative is not used, the con-
5 tract file for the purchase shall include a brief analysis
6 of the comparative value, including price and nonprice fac-
7 tors, between the services and supplies offered under such
8 Initiative and services and supplies offered under the
9 source or sources used for the purchase.

10 **SEC. 5402. PROMOTING TRANSPARENCY OF BLANKET PUR-**
11 **CHASE AGREEMENTS.**

12 (a) PRICE INFORMATION TO BE TREATED AS PUBLIC
13 INFORMATION.—The final negotiated price offered by an
14 awardee of a blanket purchase agreement shall be treated
15 as public information.

16 (b) PUBLICATION OF BLANKET PURCHASE AGREE-
17 MENT INFORMATION.—Not later than 180 days after the
18 date of the enactment of this Act, the Administrator of
19 General Services shall make available to the public a list
20 of all blanket purchase agreements entered into by Federal
21 agencies under its Federal Supply Schedules contracts and
22 the prices associated with those blanket purchase agree-
23 ments. The list and price information shall be updated at
24 least once every 6 months.

1 **SEC. 5403. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**
2 **SOLICITATIONS.**

3 Section 3306(d) of title 41, United States Code, is
4 amended—

5 (1) by striking “or” at the end of paragraph
6 (1);

7 (2) by striking the period and inserting “; or”
8 at the end of paragraph (2); and

9 (3) by adding at the end the following new
10 paragraph:

11 “(3) stating in the solicitation that the award
12 will be made using a fixed price technical competi-
13 tion, under which all offerors compete solely on
14 nonprice factors and the fixed award price is pre-an-
15 nounced in the solicitation.”.

16 **SEC. 5404. ENHANCED TRANSPARENCY IN INFORMATION**
17 **TECHNOLOGY INVESTMENTS.**

18 (a) PUBLIC AVAILABILITY OF INFORMATION ABOUT
19 IT INVESTMENTS.—Section 11302(c) of title 40, United
20 States Code, is amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by inserting after paragraph (1) the fol-
24 lowing new paragraph:

25 “(2) PUBLIC AVAILABILITY.—

1 “(A) IN GENERAL.—The Director shall
2 make available to the public the cost, schedule,
3 and performance data for at least 80 percent
4 (by dollar value) of all information technology
5 investments Governmentwide, and 60 percent
6 (by dollar value) of all information technology
7 investments in each Federal agency listed in
8 section 901(b) of title 31, notwithstanding
9 whether the investments are for new IT acquisi-
10 tions or for operations and maintenance of ex-
11 isting IT. The Director shall ensure that the in-
12 formation is current, accurate, and reflects the
13 risks associated with each covered information
14 technology investment.

15 “(B) WAIVER OR LIMITATION AUTHOR-
16 ITY.—The applicability of subparagraph (A)
17 may be waived or the extent of the information
18 may be limited—

19 “(i) by the Director, with respect to
20 IT investments Governmentwide; and

21 “(ii) by the Chief Information Officer
22 of a Federal agency, with respect to IT in-
23 vestments in that agency;

24 if the Director or the Chief Information Officer,
25 as the case may be, determines that such a

1 waiver or limitation is in the national security
2 interests of the United States.”.

3 (b) **ADDITIONAL REPORT REQUIREMENTS.**—Para-
4 graph (3) of section 11302(e) of such title, as redesignated
5 by subsection (a), is amended by adding at the end the
6 following: “The report shall include an analysis of agency
7 trends reflected in the performance risk information re-
8 quired in paragraph (2).”.

9 **SEC. 5405. ENHANCED COMMUNICATION BETWEEN GOV-**
10 **ERNMENT AND INDUSTRY.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Federal Acquisition Regulatory
13 Council shall prescribe a regulation making clear that
14 agency acquisition personnel are permitted and encour-
15 aged to engage in responsible and constructive exchanges
16 with industry, so long as those exchanges are consistent
17 with existing law and regulation and do not promote an
18 unfair competitive advantage to particular firms.

19 **SEC. 5406. CLARIFICATION OF CURRENT LAW WITH RE-**
20 **SPECT TO TECHNOLOGY NEUTRALITY IN AC-**
21 **QUISITION OF SOFTWARE.**

22 (a) **PURPOSE.**—The purpose of this section is to es-
23 tablish guidance and processes to clarify that software ac-
24 quisitions by the Federal Government are to be made

1 using merit-based requirements development and evalua-
2 tion processes that promote procurement choices—

3 (1) based on performance and value, including
4 the long-term value proposition to the Federal Gov-
5 ernment;

6 (2) free of preconceived preferences based on
7 how technology is developed, licensed, or distributed;
8 and

9 (3) generally including the consideration of pro-
10 prietary, open source, and mixed source software
11 technologies.

12 (b) TECHNOLOGY NEUTRALITY.—Nothing in this
13 section shall be construed to modify the Federal Govern-
14 ment’s long-standing policy of following technology-neu-
15 tral principles and practices when selecting and acquiring
16 information technology that best fits the needs of the Fed-
17 eral Government.

18 (c) GUIDANCE.—Not later than 180 days after the
19 date of the enactment of this Act, the Director, in con-
20 sultation with the Chief Information Officers Council,
21 shall issue guidance concerning the technology-neutral
22 procurement and use of software within the Federal Gov-
23 ernment.

1 (d) MATTERS COVERED.—In issuing guidance under
2 subsection (c), the Director shall include, at a minimum,
3 the following:

4 (1) Guidance to clarify that the preference for
5 commercial items in section 3307 of title 41, United
6 States Code, includes proprietary, open source, and
7 mixed source software that meets the definition of
8 the term “commercial item” in section 103 of title
9 41, United States Code, including all such software
10 that is used for non-Government purposes and is li-
11 censed to the public.

12 (2) Guidance regarding the conduct of market
13 research to ensure the inclusion of proprietary, open
14 source, and mixed source software options.

15 (3) Guidance to define Governmentwide stand-
16 ards for security, redistribution, indemnity, and
17 copyright in the acquisition, use, release, and col-
18 laborative development of proprietary, open source,
19 and mixed source software.

20 (4) Guidance for the adoption of available com-
21 mercial practices to acquire proprietary, open source,
22 and mixed source software for widespread Govern-
23 ment use, including issues such as security and re-
24 distribution rights.

1 (5) Guidance to establish standard service level
2 agreements for maintenance and support for propri-
3 etary, open source, and mixed source software prod-
4 ucts widely adopted by the Government, as well as
5 the development of Governmentwide agreements that
6 contain standard and widely applicable contract pro-
7 visions for ongoing maintenance and development of
8 software.

9 (6) Guidance on the role and use of the Federal
10 Infrastructure and Common Application Collabora-
11 tion Center, established pursuant to section 11501
12 of title 40, United States Code (as added by section
13 5301), for acquisition of proprietary, open source,
14 and mixed source software.

15 (e) REPORT TO CONGRESS.—Not later than 2 years
16 after the issuance of the guidance required by subsection
17 (b), the Comptroller General of the United States shall
18 submit to the relevant congressional committees a report
19 containing—

20 (1) an assessment of the effectiveness of the
21 guidance;

22 (2) an identification of barriers to widespread
23 use by the Federal Government of specific software
24 technologies; and

1 (3) such legislative recommendations as the
2 Comptroller General considers appropriate to further
3 the purposes of this section.