

118TH CONGRESS
2D SESSION

H. R. 9595

IN THE SENATE OF THE UNITED STATES

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

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

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

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

4 (6) 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 (7) 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(k) of title 41, United States Code;
13 and

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

21 (8) RELEVANT COMMITTEES OF CONGRESS.—
22 The term “relevant committees of Congress” means
23 the Committee on Homeland Security and Govern-
24 mental Affairs of the Senate and the Committee on

1 Oversight and Accountability of the House of Rep-
2 resentatives.

3 (9) SENIOR PROCUREMENT EXECUTIVE.—The
4 term “senior procurement executive” means a senior
5 procurement executive designated pursuant to sec-
6 tion 1702(c) of title 41, United States Code.

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

11 **SEC. 3. ACQUISITION WORKFORCE.**

12 (a) EXPERIENTIAL LEARNING.—Not later than 18
13 months after the date of the enactment of this Act, the
14 Federal Acquisition Institute shall establish a pilot pro-
15 gram to consider the incorporation of experiential learning
16 into the Federal Credentials Program, the Federal Acqui-
17 sition Certification-Contracting Officer’s Representative
18 Program, and the Federal Acquisition Certification for
19 Program and Project Managers Program, or any suc-
20 cessor program.

21 (b) TRAINING ON INFORMATION AND COMMUNICA-
22 TIONS TECHNOLOGY ACQUISITION.—

23 (1) IN GENERAL.—Not later than 18 months
24 after the date of the enactment of this Act, the Di-
25 rector of the Federal Acquisition Institute, in coordi-

1 nation with the Administrator, the Administrator of
2 General Services, and the Administrator of the Of-
3 fice of Electronic Government, and in consultation
4 with the heads of other executive agencies as deter-
5 mined to be appropriate by the Director of the Fed-
6 eral Acquisition Institute, shall develop and imple-
7 ment or otherwise provide a cross-functional infor-
8 mation and communications technology acquisition
9 training program for acquisition workforce members
10 involved in acquiring information and communica-
11 tions technology. The training shall do the following:

12 (A) Include learning objectives related to
13 market research, communicating with industry
14 and industry perspectives on the procurement
15 process, including how investment decisions are
16 impacted by Government communication and
17 engagement, developing requirements, acquisi-
18 tion planning, best practices for developing and
19 executing outcome-based contracts, and source
20 selection strategy, evaluating proposals, and
21 awarding and administering contracts for infor-
22 mation and communications technology.

23 (B) Include learning objectives that pro-
24 vide a basic understanding of key technologies
25 executive agencies need, such as cloud com-

1 puting, artificial intelligence and artificial intel-
2 ligence-enabled applications, and cybersecurity
3 solutions.

4 (C) Include learning objectives that en-
5 courage the use of commercial or commercially
6 available off-the-shelf technologies to the great-
7 est extent practicable.

8 (D) Include case studies of lessons learned
9 from Federal information and communications
10 technology procurements and contracts, and re-
11 lated matters as determined to be relevant by
12 the Director of the Federal Acquisition Insti-
13 tute.

14 (E) Include experiential learning opportu-
15 nities, and opportunities to practice acquisition
16 teaming involving collaboration of team mem-
17 bers with varied relevant domain expertise to
18 complete acquisition-related tasks, including
19 tasks with accelerated timelines.

20 (F) Include continuous learning rec-
21 ommendations and resources to keep the skills
22 of acquisition workforce members current, in-
23 cluding tools that help adopt or adapt the use
24 of innovative acquisition practices or other flexi-

1 ble business practices commonly used in com-
2 mercial buys.

3 (G) Be made available to acquisition work-
4 force members designated by a Chief Acquisi-
5 tion Officer, senior procurement executive, or
6 head of the contracting activity to participate in
7 the training program.

8 (H) Inform executive agencies about
9 streamlined and alternative procurement meth-
10 ods for procurement of information and com-
11 munications technology, including—

12 (i) simplified procedures for certain
13 commercial products and commercial serv-
14 ices in accordance with subpart 13.5 of the
15 Federal Acquisition Regulation, prize com-
16 petitions under the America COMPETES
17 Reauthorization Act of 2010 (Public Law
18 111–358), competitive programs that en-
19 courage businesses to engage in Federal
20 research or research and development with
21 the potential for commercialization, and
22 joint venture partnerships;

23 (ii) innovative procurement techniques
24 designed to streamline the procurement
25 process and lower barriers to entry, such

1 as use of oral presentations and product
2 demonstrations instead of lengthy written
3 proposals, appropriately leveraging per-
4 formance and outcomes-based contracting,
5 and other techniques discussed on the
6 Periodic Table of Acquisition Innovations
7 or other similar successor knowledge man-
8 agement portals; and

9 (iii) information on appropriate use,
10 examples and templates, and any other in-
11 formation determined relevant by the Ad-
12 ministrator to assist contracting officers
13 and other members of the acquisition
14 workforce in using the procedures de-
15 scribed in clauses (i) and (ii).

16 (I) Incorporate learning objectives to iden-
17 tify and mitigate waste, fraud, and abuse and
18 ensure the protection of established privacy,
19 civil rights, and civil liberties in the procure-
20 ment process.

21 (2) REPORT.—Not later than 2 years after the
22 date of the enactment of this Act, the Director of
23 the Federal Acquisition Institute shall provide to the
24 relevant committees of Congress, the Chief Acquisi-

1 tion Officers Council, and the Chief Information Of-
2 ficers Council—

3 (A) a report on the progress of the Direc-
4 tor in developing and implementing or otherwise
5 providing the information and communications
6 technology acquisition training described in
7 paragraph (1); and

8 (B) a list of any acquisition training that
9 the Director determines to be outdated or no
10 longer necessary.

11 (3) DURATION.—The training program shall be
12 updated as appropriate, but at least every 2 years
13 after implementation, and offered for a minimum of
14 6 years following the date of implementation of the
15 training program.

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

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

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

6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “Direc-
8 tor, in coordination with the Administrator of
9 General Services and any other person deter-
10 mined relevant by the Director” and inserting
11 “Administrator, in coordination with the Direc-
12 tor of the Office of Management and Budget”;

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

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

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

19 **SEC. 4. INNOVATIVE PROCUREMENT METHODS.**

20 (a) INCREASE IN SIMPLIFIED ACQUISITION THRESH-
21 OLD.—Section 134 of title 41, United States Code, is
22 amended by striking “\$250,000” and inserting
23 “\$500,000”.

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

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

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

9 (2) in paragraph (2)—

10 (A) by inserting “or commercially available
11 content” after “publication”; and

12 (B) by striking the period at the end and
13 inserting “; and”; and

14 (3) by adding at the end the following new
15 paragraph:

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

22 **SEC. 5. INCREASING COMPETITION IN FEDERAL CON-**
23 **TRACTING.**

24 (a) USE OF PAST PERFORMANCE.—

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

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

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

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

24 (2) SUPPLEMENT NOT SUPPLANT.—The guid-
25 ance issued under paragraph (1) shall supplement

1 existing Federal and agency policy and procedures
2 for consideration of past performance and other
3 evaluation factors and methods.

4 (b) ENHANCING COMPETITION IN FEDERAL PRO-
5 CUREMENT.—

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

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

1 small business participation in Federal contracting
2 or unnecessarily increase bid and proposal costs.

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

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

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

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

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

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

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

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

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

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

