

117TH CONGRESS
1ST SESSION

S. 1957

To establish digital services in State, county, local, and Tribal governments,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 28 (legislative day, MAY 27), 2021

Mr. WYDEN (for himself, Mrs. MURRAY, Mr. BENNET, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish digital services in State, county, local, and
Tribal governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State and Local Digital
5 Service Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Administrator” means the Ad-
9 ministrator of General Services;

1 (2) the term “digital service grant” means a
2 grant under section 3(a);

3 (3) the term “digital service planning grant”
4 means a grant under section 4(a);

5 (4) the term “digital service team” means a
6 team of employees of an eligible applicant that—

7 (A) extends existing software development
8 capacity and provides digital consultancy serv-
9 ices, focusing on user-centered design and de-
10 velopment practices through the use of modern
11 product development techniques, such as—

12 (i) user research and design;

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

15 (iii) software development procure-
16 ment practices that rely on small-dollar,
17 short-duration contracts; and

18 (B) enhances the delivery of services by the
19 eligible applicant through partnerships or em-
20 bedding the employees within other agencies of
21 the eligible applicant;

22 (5) the term “eligible applicant” means a State,
23 Indian Tribe, or unit of local government;

24 (6) the term “Indian Tribe” has the meaning
25 given the term “Indian tribe” in section 4(e) of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304(e));

3 (7) the term “State” has the meaning given
4 that term in section 901 of title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (34
6 U.S.C. 10251);

7 (8) the term “underserved or disadvantaged
8 community” means—

9 (A) a low-income community;

10 (B) a community of color;

11 (C) a Tribal community;

12 (D) a rural community;

13 (E) aging individuals;

14 (F) veterans;

15 (G) individuals with disabilities;

16 (H) individuals with a language barrier, in-
17 cluding individuals who—

18 (i) are English learners; or

19 (ii) have low levels of literacy; or

20 (I) any other community that the Adminis-
21 trator determines is disproportionately vulner-
22 able to, or bears a disproportionate burden of,
23 any combination of economic, social, environ-
24 mental, or climate stressors; and

1 (9) the term “unit of local government” means
2 a city, county, township, town, borough, parish, vil-
3 lage, or other general purpose political subdivision of
4 a State.

5 **SEC. 3. DIGITAL SERVICE GRANTS.**

6 (a) IN GENERAL.—The Administrator, in consulta-
7 tion with the Administrator of the United States Digital
8 Service, shall establish a Digital Service Grant Program,
9 under which the Administrator shall make grants to eligi-
10 ble applicants in accordance with the requirements of this
11 section for the purpose of establishing or supporting a dig-
12 ital service team.

13 (b) APPLICATION.—An eligible applicant desiring a
14 digital service grant shall submit an application at such
15 time, in such manner, and containing such information as
16 the Administrator may specify.

17 (c) INITIAL GRANT PREFERENCE.—Among eligible
18 applicants that have not previously received a digital serv-
19 ice grant, the Administrator shall give preference to an
20 eligible applicant if—

21 (1) the chief executive officer of the eligible ap-
22 plicant has publicly demonstrated a commitment to
23 modernizing government technology and service de-
24 livery;

1 (2) the eligible applicant has officially des-
2 ignated an officer of the eligible applicant to have
3 responsibility for functions relating to the digital
4 services of the eligible applicant, such as a Chief
5 Technology Officer, Chief Innovation Officer, or
6 Chief Digital Services Officer, and such functions
7 are recognized as distinct from management and op-
8 erations of traditional information technology;

9 (3) the eligible applicant demonstrates a rig-
10 orous commitment to human-centered delivery of
11 government services in such manner as the Adminis-
12 trator determines appropriate;

13 (4) the eligible applicant articulates clearly a
14 specific benefits program of the Federal Government
15 with respect to which the eligible applicant, in col-
16 laboration with the relevant Federal agency, intends
17 to modernize the digital delivery of government serv-
18 ices by the eligible applicant; or

19 (5) the eligible applicant articulates clearly how
20 the eligible applicant will use amounts received
21 under the grant to improve the digital delivery of
22 government services to underserved or disadvantaged
23 communities.

24 (d) CONTINUING GRANTS.—The Administrator may
25 make not more than 2 additional digital service grants to

1 an eligible applicant that has previously received a digital
2 service grant if the eligible applicant—

3 (1) has a demonstrated record of successful dig-
4 ital delivery of government services, including
5 through the use of the most recent prior digital serv-
6 ice grant; and

7 (2) articulates clearly the government service
8 delivery projects the eligible applicant would carry
9 out with the grant.

10 (e) GRANT PERIOD.—The Administrator shall award
11 digital service grants for a period of not more than 3
12 years.

13 (f) CONTINUITY OF FUNDING.—To the maximum ex-
14 tent practicable, the Administrator shall award digital
15 service grants described in subsection (d) in a manner that
16 ensures that there is not a break in funding—

17 (1) between the initial digital service grant de-
18 scribed in subsection (c) and the first grant de-
19 scribed in subsection (d); or

20 (2) between the first grant described in sub-
21 section (d) and the second grant described in sub-
22 section (d).

23 (g) GRANT AMOUNT.—The annual amount of a dig-
24 ital service grant shall be equal to the lesser of—

1 (1) in dollars, the amount equal to the sum
2 of—

3 (A) the population served by the eligible
4 applicant; and

5 (B) 200,000; or

6 (2) \$3,000,000.

7 (h) USE OF FUNDS.—

8 (1) IN GENERAL.—Not less than 50 percent of
9 the amount received under a digital service grant
10 shall be used for salary and benefits of the members
11 of the digital service team.

12 (2) ACCESSIBILITY.—An eligible applicant that
13 receives a digital service grant shall make public
14 services improved by a digital service team of the eli-
15 gible applicant available in an accessible format,
16 compliant with the most recent Web Content Acces-
17 sibility Guidelines of the Web Accessibility Initiative,
18 or successor guidelines.

19 (i) MATCHING REQUIREMENT.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the Federal share of an activity carried
22 out using a digital service grant shall be not more
23 than 90 percent.

24 (2) WAIVER.—Upon application by an eligible
25 applicant, the Administrator may waive the require-

1 ment under paragraph (1) if the Administrator de-
2 termines that the eligible applicant demonstrates fi-
3 nancial need.

4 (j) **PROCUREMENT BEST PRACTICES.**—The digital
5 service team of an eligible applicant that receives a grant
6 under this section shall work with the United States Dig-
7 ital Service and the 18F office within the General Services
8 Administration to establish procurement best practices
9 based on Federal best practices, such as the 18F office’s
10 budgeting handbook, and the individual needs of the eligi-
11 ble applicant.

12 (k) **SUPPLEMENT NOT SUPPLANT.**—A digital service
13 grant to an eligible applicant shall supplement, not sup-
14 plant, other Federal, State, local, or Tribal funds that are
15 available to the eligible applicant to carry out activities
16 described in this section.

17 (l) **SET ASIDES.**—

18 (1) **IN GENERAL.**—From amounts made avail-
19 able in a fiscal year to carry out the Digital Service
20 Grant Program under this section, the Adminis-
21 trator shall reserve 5 percent for the implementation
22 and administration of the grant program, which
23 shall include—

24 (A) providing technical support and assist-
25 ance;

1 (B) providing assistance to eligible appli-
2 cants to prepare applications for digital service
3 grants;

4 (C) assisting eligible applicants in pre-
5 paring and submitting the reports required
6 under section 5(a);

7 (D) collecting demographic data about
8 grant applicants, grant recipients, and popu-
9 lations served; and

10 (E) conducting outreach to eligible appli-
11 cants regarding opportunities to apply for dig-
12 ital service grants.

13 (2) INDIAN TRIBES.—From amounts made
14 available in a fiscal year to carry out the Digital
15 Service Grant Program under this section, the Ad-
16 ministrator shall use not less than \$10,000,000 for
17 grants to eligible applicants that are Indian Tribes.

18 **SEC. 4. DIGITAL SERVICE PLANNING GRANTS.**

19 (a) IN GENERAL.—The Administrator, in consulta-
20 tion with the Administrator of the United States Digital
21 Service, shall establish a Digital Service Planning Grant
22 Program under which the Administrator shall make
23 grants to eligible applicants in accordance with the re-
24 quirements of this section for the purpose of creating a
25 plan to establish a digital service team.

1 (b) APPLICATION.—An eligible applicant desiring a
2 digital service planning grant shall submit an application
3 at such time, in such manner, and containing such infor-
4 mation as the Administrator may specify.

5 (c) GRANT PERIOD.—The Administrator shall award
6 digital service planning grants for a period of 1 year.

7 (d) GRANT AMOUNT.—The amount of a digital serv-
8 ice grant shall be not less than \$50,000 and not more than
9 \$200,000.

10 (e) MATCHING REQUIREMENT.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the Federal share of an activity carried
13 out using a digital service planning grant shall be
14 not more than 90 percent.

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

20 (f) SUPPLEMENT NOT SUPPLANT.—A digital service
21 planning grant to an eligible applicant shall supplement,
22 not supplant, other Federal, State, local, or Tribal funds
23 that are available to the eligible applicant to create a plan
24 to establish a digital service team.

1 (g) SET ASIDES.—From amounts made available in
2 a fiscal year to carry out the Digital Service Planning
3 Grant Program under this section, the Administrator shall
4 reserve 5 percent for the implementation and administra-
5 tion of the grant program, which shall include—

6 (1) providing technical support and assistance;

7 (2) providing assistance to eligible applicants to
8 prepare applications for digital service planning
9 grants;

10 (3) assisting eligible applicants in preparing
11 and submitting the reports required under section
12 5(a); and

13 (4) conducting outreach to eligible applicants
14 regarding opportunities to apply for digital service
15 planning grants.

16 **SEC. 5. REPORTING AND EVALUATION.**

17 (a) RECIPIENTS.—

18 (1) DIGITAL SERVICE GRANT REPORT.—Not
19 later than the end of the period of a digital service
20 grant, the recipient of the digital service grant shall
21 submit to the Administrator and make publicly
22 available on the website of the recipient a brief re-
23 port describing—

24 (A) the skills and areas of expertise of the
25 members of the digital service team established

1 or supported using amounts made available
2 under the grant;

3 (B) projects undertaken using amounts
4 made available under the grant, including a dis-
5 cussion of the impact of those projects;

6 (C) lessons learned from implementing the
7 projects described in subparagraph (B);

8 (D) human-centered measurements of how
9 well the projects described in subparagraph (B)
10 help the people they serve;

11 (E) the information technology and deliv-
12 ery projects the recipient intends to implement
13 next; and

14 (F) any other information determined ap-
15 propriate by the Administrator.

16 (2) DIGITAL SERVICE PLANNING GRANT RE-
17 PORT.—Not later than the end of the period of a
18 digital service planning grant, the recipient of the
19 digital service planning grant shall submit to the Ad-
20 ministrator and make publicly available on the
21 website of the recipient a brief report describing—

22 (A) a summary of the plan developed using
23 amounts under the digital service planning
24 grant;

1 (B) proposed projects for a future digital
2 service team;

3 (C) proposed human-centered measure-
4 ments of how well the projects described in sub-
5 paragraph (B) would help the people they serve;
6 and

7 (D) any other information determined ap-
8 propriate by the Administrator.

9 (3) TECHNICAL ASSISTANCE.—The Adminis-
10 trator shall provide technical support and assistance
11 to eligible entities receiving a digital service grant to
12 complete the reporting and evaluation required
13 under paragraph (1), to the extent practical, to en-
14 sure consistency in data reporting and to meet the
15 objectives of this Act.

16 (b) REPORTS TO CONGRESS AND PUBLIC.—Not later
17 than 1 year after the date on which the Administrator be-
18 gins awarding digital service grants, and every 2 years
19 thereafter, the Administrator, in consultation with the Ad-
20 ministrator of the United States Digital Service, shall sub-
21 mit to Congress and make publicly available on the
22 websites of the General Services Administration and the
23 United States Digital Service a report that summarizes—

24 (1) the digital service grants and digital service
25 planning grants applied for and made; and

1 (2) the uses and impacts of digital service
2 grants, based on the reports received under sub-
3 section (a).

4 (c) **AUTHORITY TO CONTRACT AND ENTER INTO**
5 **OTHER AGREEMENTS.**—The Administrator may award
6 grants and enter into contracts, cooperative agreements,
7 and other arrangements with Federal agencies, public and
8 private organizations, and other entities with expertise
9 that the Administrator determines appropriate in order
10 to—

11 (1) evaluate the impact and efficacy of activities
12 supported by digital service grants and digital serv-
13 ice planning grants; and

14 (2) develop, catalog, disseminate, and promote
15 the exchange of best practices, both with respect to
16 and independent of the Digital Service Grant Pro-
17 gram and the Digital Service Planning Grant Pro-
18 gram, in the creation and success of digital service
19 teams.

20 (d) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In
21 carrying out subsection (b), and to further the objectives
22 described in paragraphs (1) and (2) of subsection (c), the
23 Administrator shall conduct ongoing collaboration and
24 consult with—

1 (1) the Administrator of the United States Dig-
2 ital Service;

3 (2) State agencies and governors of States (or
4 equivalent officials);

5 (3) national, State, Tribal, and local organiza-
6 tions that have digital service teams;

7 (4) researchers, academics, and philanthropic
8 organizations; and

9 (5) other agencies, organizations, entities, and
10 community stakeholders as determined appropriate
11 by the Administrator.

12 **SEC. 6. STATE USE OF FEDERAL RESOURCES.**

13 (a) ISSUANCE OF GUIDANCE.—Not later than 120
14 days after the date of enactment of this Act, the Adminis-
15 trator shall issue guidance to streamline the procurement
16 of Federal services and technology by States, units of local
17 government, and Indian Tribes.

18 (b) CONSULTATION AND COMMENTS.—In formu-
19 lating the guidance issued under subsection (a), the Ad-
20 ministrator shall—

21 (1) consult with the United States Digital Serv-
22 ice, the Technology Transformation Services, and
23 digital service teams of States, units of local govern-
24 ment, and governments of Indian Tribes; and

25 (2) solicit public comments.

1 (c) CONSIDERATIONS.—In formulating the guidance
2 issued under subsection (a), the Administrator shall con-
3 sider—

4 (1) removing restrictions of the Technology
5 Transformation Services on funding sources and sig-
6 natory requirements;

7 (2) creating a process for cloud service author-
8 izations for States, units of local government, and
9 Indian Tribes;

10 (3) streamlining the ability of States, units of
11 local government, and Indian Tribes to purchase
12 products offered by the Federal Government; and

13 (4) any other relevant suggestions received as
14 part of the consultation and comments under sub-
15 section (b).

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) GRANTS.—

18 (1) DIGITAL SERVICE GRANTS.—There are au-
19 thorized to be appropriated to the Administrator to
20 carry out section 3 \$100,000,000 for each of fiscal
21 years 2022 through 2028.

22 (2) DIGITAL SERVICE PLANNING GRANTS.—
23 There are authorized to be appropriated to the Ad-
24 ministrator to carry out section 4 \$20,000,000 for
25 each of fiscal years 2022 through 2028.

1 (b) AMOUNTS FOR AUDIT AND OVERSIGHT.—There
2 are authorized to be appropriated to the Inspector General
3 of the General Services Administration \$1,000,000 for the
4 first fiscal year during which digital service grants are
5 awarded, and each of the 7 fiscal years thereafter, for au-
6 dits and oversight of funds made available to carry out
7 this Act.

8 (c) AVAILABILITY.—Amounts made available pursu-
9 ant to subsections (a) and (b) shall remain available until
10 expended.

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