

[DISCUSSION DRAFT]

SEPTEMBER 6, 2012

112TH CONGRESS
2D SESSION

H. R. _____

To amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management.

IN THE HOUSE OF REPRESENTATIVES

_____ introduced the following bill; which
was referred to the Committee on _____

A BILL

To amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Information
5 Technology Acquisition Reform Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN
FEDERAL GOVERNMENT

- Sec. 101. Increased authority of agency Chief Information Officers over information technology.
- Sec. 102. Lead coordination role of Chief Information Officers Council.

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

Subtitle A—Data Center Consolidation

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. Plan for Federal Data Center Optimization Initiative.
- Sec. 204. Performance requirements related to data center consolidation.
- Sec. 205. Reporting requirements to Congress and the Federal Chief Information Officer.

Subtitle B—Additional Provisions

- Sec. 211. Inventory of information technology assets.
- Sec. 212. Uniform classification of commodity information technology assets.
- Sec. 213. Website consolidation and transparency.
- Sec. 214. Transition to the cloud.
- Sec. 215. Elimination of unnecessary duplication of contracts by requiring business case analysis.

TITLE III—STREAMLINING AND STRENGTHENING INFORMATION
TECHNOLOGY ACQUISITION

Subtitle A—Streamlining IT Acquisition Practices

- Sec. 301. Establishment of Federal Commodity IT Acquisition Center.
- Sec. 302. Designation of Assisted Acquisition Centers of Excellence.

Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 311. Expansion of training and use of information technology acquisition cadres.
- Sec. 312. Report on strengthening program and project management performance.
- Sec. 313. Personnel awards for excellence in the acquisition of information systems and information technology.

TITLE IV—ADDITIONAL REFORMS

- Sec. 401. Maximizing the benefit of the Federal Strategic Sourcing Initiative.
- Sec. 402. Promoting transparency of blanket purchase agreements.
- Sec. 403. Clarification relating to severable services contracts.
- Sec. 404. Additional source selection technique in solicitations.
- Sec. 405. Promotion of Government-wide support for the use and development of open source software.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CHIEF ACQUISITION OFFICERS COUNCIL.—

4 The term “Chief Acquisition Officers Council”
5 means the Chief Acquisition Officers Council estab-
6 lished by section 1311(a) of title 41, United States
7 Code.

8 (2) CHIEF INFORMATION OFFICER.—The term

9 “Chief Information Officer” means a Chief Informa-
10 tion Officer (as designated under section 3506(a)(2)
11 of title 44, United States Code) of an agency listed
12 in section 901(b) of title 31, United States Code.

13 (3) CHIEF INFORMATION OFFICERS COUNCIL.—

14 The term “Chief Information Officers Council”
15 means the Chief Information Officers Council estab-
16 lished by section 3603(a) of title 44, United States
17 Code.

18 (4) COMMODITY IT.—The term “commodity

19 IT” or “commodity information technology” has the
20 meaning provided by the Director of the Office of
21 Management and Budget in guidance issued under
22 section 11501 of title 40, United States Code, as
23 added by section 301 .

24 (5) DIRECTOR.—The term “Director” means

25 the Director of the Office of Management and Budg-
26 et.

1 (6) FEDERAL AGENCY.—The term “Federal
2 agency” means each agency listed in section 901(b)
3 of title 31, United States Code.

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

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

11 (A) The Committee on Oversight and Gov-
12 ernment Reform and the Committee on Armed
13 Services of the House of Representatives.

14 (B) The Committee on Homeland Security
15 and Government Affairs and the Committee on
16 Armed Services of the Senate.

17 **TITLE I—MANAGEMENT OF IN-**
18 **FORMATION TECHNOLOGY**
19 **WITHIN FEDERAL GOVERN-**
20 **MENT**

21 **SEC. 101. INCREASED AUTHORITY OF AGENCY CHIEF IN-**
22 **FORMATION OFFICERS OVER INFORMATION**
23 **TECHNOLOGY.**

24 (a) AUTHORITY RELATING TO BUDGET AND PER-
25 SONNEL.—Section 11315 of title 40, United States Code,

1 is amended by adding at the end the following new sub-
2 section:

3 “(d) ADDITIONAL AUTHORITIES.—

4 “(1) BUDGET-RELATED AUTHORITY.—Amounts
5 appropriated for any agency listed in section 901(b)
6 of title 31 for any fiscal year that are available for
7 information technology shall be allocated within the
8 agency, consistent with the provisions of appropria-
9 tions Acts and budget guidelines and recommenda-
10 tions from the Director of the Office of Management
11 and Budget, in such manner as may be specified by,
12 or approved by, the Chief Information Officer of the
13 agency.

14 “(2) PERSONNEL-RELATED AUTHORITY.—The
15 head of each agency listed in section 901(b) of title
16 31 shall ensure that the Chief Information Officer of
17 the agency has the authority necessary to approve
18 the hiring of personnel who will have information
19 technology responsibilities within the agency.”.

20 (b) REQUIREMENT TO SEEK ADVICE FROM CHIEF
21 INFORMATION OFFICER ON DESIGNATION OR APPOINT-
22 MENT OF DEPUTY CHIEF INFORMATION OFFICERS.—

23 (1) REQUIREMENT.—Section 3506(a)(3) of title
24 44, United States Code, is amended—

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

1 (B) by adding at the end the following new
2 subparagraph:

3 “(B) Each agency shall have only one individual
4 with the title and designation of ‘Chief Information
5 Officer’. Any bureau, office, or subordinate organiza-
6 tion within the agency may designate one individual
7 with the title ‘Deputy Chief Information Officer.’
8 The head of the agency shall seek the advice of the
9 Chief Information Officer of the agency in design-
10 ating or appointing any deputy chief information
11 officer within the agency.”

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

19 **SEC. 102. LEAD COORDINATION ROLE OF CHIEF INFORMA-**
20 **TION OFFICERS COUNCIL.**

21 Subsection (d) of section 3603 of title 44, United
22 States Code, is amended to read as follows:

23 “(d) The Council is designated the lead interagency
24 forum for improving agency coordination of practices re-
25 lated to the design, acquisition, development, moderniza-

1 tion, use, operation, sharing, and performance of Federal
2 Government information resources. As the lead inter-
3 agency forum, the Council shall develop cross-agency port-
4 folio management policies to allow development of cross-
5 agency shared services and shared platforms.”.

6 **TITLE II—ELIMINATION OF DU-**
7 **PLICATION AND WASTE IN IN-**
8 **FORMATION TECHNOLOGY**
9 **ACQUISITION**

10 **Subtitle A—Data Center**
11 **Consolidation**

12 **SEC. 201. PURPOSE.**

13 The purpose of this subtitle is to optimize Federal
14 data center usage and efficiency.

15 **SEC. 202. DEFINITIONS.**

16 In this subtitle:

17 (1) **FEDERAL DATA CENTER OPTIMIZATION INI-**
18 **TIATIVE.**—The term “Federal Data Center Optimi-
19 zation Initiative” means the initiative developed and
20 implemented by the Director, through the Federal
21 Chief Information Officer, pursuant to the Federal
22 Data Center Consolidation Initiative memo dated
23 February 26, 2010.

1 (2) COVERED AGENCY.—The term “covered
2 agency” means any agency included in the Federal
3 Data Center Optimization Initiative.

4 (3) FEDERAL CHIEF INFORMATION OFFICER.—
5 The term “Federal Chief Information Officer”
6 means the chief information officer of the Office of
7 Management and Budget.

8 (4) DATA CENTER.—The term “data center”
9 means any room that is devoted to data processing
10 servers, including server closets (typically less than
11 200 square feet) and server rooms (typically less
12 than 500 square feet), within a conventional build-
13 ing, and larger spaces in any building dedicated to
14 housing servers, storage devices, and network equip-
15 ment, but the term does not include facilities that
16 are exclusively devoted to communications and net-
17 work equipment (such as telephone exchanges) and
18 telecommunications rooms and closets.

19 (5) FEDERAL DATA CENTER.—The term “Fed-
20 eral data center” means any data center of a cov-
21 ered agency used or operated by a covered agency,
22 by a contractor of a covered agency, or by another
23 organization on behalf of a covered agency.

24 (6) SERVER UTILIZATION.—The term “server
25 utilization” refers to the activity level of a server rel-

1 ative to its maximum activity level, expressed as a
2 percentage.

3 **SEC. 203. PLAN FOR FEDERAL DATA CENTER OPTIMIZA-**
4 **TION INITIATIVE.**

5 (a) **PLAN REQUIREMENT.**—Within 6 months after
6 the date of the enactment of this Act, the Federal Chief
7 Information Officer, in consultation with the chief infor-
8 mation officers of covered agencies, shall develop and sub-
9 mit to Congress a plan for implementation of the Federal
10 Data Center Optimization Initiative.

11 (b) **MATTERS COVERED.**—The plan shall include—

12 (1) descriptions of how agencies will use reduc-
13 tions in floor space, energy use, infrastructure,
14 equipment, applications, personnel, increases in
15 multiorganizational use, and other appropriate meth-
16 ods to meet the requirements of the initiative; and

17 (2) appropriate consideration of shifting Feder-
18 ally owned data centers to commercially owned data
19 centers.

20 **SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO**
21 **DATA CENTER CONSOLIDATION.**

22 (a) **SERVER UTILIZATION.**—Each covered agency
23 may use the following methods to achieve the maximum
24 server utilization possible as determined by the Director
25 of the Office of Management and Budget:

1 (1) The closing of existing data centers that
2 lack adequate server utilization, as determined by
3 the Director. If the agency fails to close such data
4 centers, the agency shall provide a detailed expla-
5 nation as to why this data center should remain in
6 use as part of the submitted plan. The Federal Chief
7 Information officer shall include an assessment of
8 the agency explanation in the annual report to Con-
9 gress.

10 (2) The consolidation of services within existing
11 data centers to increase server utilization rates.

12 (b) EFFICIENT INFORMATION TECHNOLOGY.—Each
13 covered agency shall give high priority to replacement of
14 data center servers and other information technology
15 equipment with more efficient equipment, using a baseline
16 and criteria developed by the Federal Chief Information
17 Officer in consultation with agency Chief Information Of-
18 ficers.

19 **SEC. 205. REPORTING REQUIREMENTS TO CONGRESS AND**
20 **THE FEDERAL CHIEF INFORMATION OFFI-**
21 **CER.**

22 (a) AGENCY REQUIREMENT TO REPORT TO CIO.—
23 Each year, each covered agency shall submit to the Fed-
24 eral Chief Information Officer a report on the implementa-
25 tion of the Federal Data Center Optimization Initiative,

1 including savings resulting from such implementation. The
2 report shall include an update of the agency's plan for im-
3 plementing the Initiative.

4 (b) FEDERAL CHIEF INFORMATION OFFICER RE-
5 QUIREMENT TO REPORT TO CONGRESS.—Each year, the
6 Federal Chief Information Officer shall submit to the rel-
7 evant congressional committees a report that assesses
8 agency progress in carrying out the Federal Data Center
9 Optimization Initiative and updates the plan under section
10 203. The report may be included as part of the annual
11 report required under section 3606 of title 44, United
12 States Code.

13 **Subtitle B—Additional Provisions**

14 **SEC. 211. INVENTORY OF INFORMATION TECHNOLOGY AS-** 15 **SETS.**

16 (a) PLAN.—The Director shall develop and imple-
17 ment a plan for conducting a Government-wide inventory
18 of information technology assets.

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

21 (1) The manner in which Federal agencies can
22 achieve the greatest possible economies of scale and
23 cost-savings in the procurement of information tech-
24 nology assets, through measures such as reducing

1 hardware or software products or services that are
2 duplicative or overlapping.

3 (2) The capability to conduct on-going Govern-
4 ment-wide inventories of all existing software li-
5 censes, including used and underused licenses, and
6 to assess the need of agencies for software licenses.

7 (3) A Government-wide spending analysis to
8 provide knowledge about how much is being spent
9 for software products or services to support deci-
10 sions for strategic sourcing under the Federal stra-
11 tegic sourcing program managed by the Office of
12 Federal Procurement Policy.

13 (c) OTHER INVENTORIES.—In developing the plan re-
14 quired by subsection (a), the Director shall review the in-
15 ventory of information systems maintained by each agency
16 under section 3505(c) of title 44, United States Code, and
17 the inventory of information resources maintained by each
18 agency under section 3506(b)(4) of such title.

19 (d) AVAILABILITY.—The inventory of information
20 technology assets shall be available to Chief Information
21 Officers and such other Federal officials as the Chief In-
22 formation Officers may, in consultation with the Chief In-
23 formation Officers Council, designate.

24 (e) DEADLINE AND SUBMISSION TO CONGRESS.—
25 Not later than 180 days after the date of the enactment

1 of this Act, the Director shall complete and submit to Con-
2 gress the plan required by subsection (a).

3 (f) IMPLEMENTATION.—Not later than two years
4 after the date of the enactment of this Act, the Director
5 shall complete implementation of the plan required by sub-
6 section (a).

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

12 **SEC. 212. UNIFORM CLASSIFICATION OF COMMODITY IN-**
13 **FORMATION TECHNOLOGY ASSETS.**

14 (a) ASSESSMENT.—The Director shall conduct an as-
15 sessment of commodity IT in Federal agencies in order
16 to establish a uniform classification system of commodity
17 IT.

18 (b) MATTERS COVERED.—In conducting the assess-
19 ment, the Director shall—

20 (1) define the term “commodity IT” for pur-
21 poses of the assessment;

22 (2) identify business processes used in Federal
23 agencies to acquire and implement commodity IT;
24 and

1 (3) identify the manner in which each Federal
2 agency currently describes or characterizes various
3 types of commodity IT.

4 (c) ESTABLISHMENT OF UNIFORM CLASSIFICATION
5 SYSTEM.—After completion of the assessment required by
6 subsection (a), the Director shall establish and implement
7 a system for classifying commodity IT by function. The
8 classification system shall be uniform and apply to all Fed-
9 eral agencies.

10 (d) DEADLINE.—The assessment and establishment
11 of the classification system shall be completed not later
12 than 180 days after the date of the enactment of this Act.

13 **SEC. 213. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

14 (a) WEBSITE CONSOLIDATION.—The Director
15 shall—

16 (1) in consultation with Federal agencies, and
17 after reviewing the directory of public Federal Gov-
18 ernment websites of each agency (as required to be
19 established and updated under section 207(f)(3) of
20 the E-Government Act of 2002 (Public Law 107-
21 347; 44 U.S.C. 3501 note)), assess all the publicly
22 available websites of Federal agencies to determine
23 whether there are duplicative or overlapping
24 websites; and

1 (2) require Federal agencies to eliminate or
2 consolidate those websites that are duplicative or
3 overlapping.

4 (b) WEBSITE TRANSPARENCY.—The Director shall
5 issue guidance to Federal agencies to ensure that the data
6 on publicly available websites of the agencies are open and
7 accessible to the public.

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

10 (1) develop guidelines, standards, and best
11 practices for interoperability and transparency; and

12 (2) identify interfaces that provide for shared,
13 open solutions on the publicly available websites of
14 the agencies.

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

18 **SEC. 214. TRANSITION TO THE CLOUD.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that transition to cloud computing offers significant
21 potential benefits for the implementation of Federal infor-
22 mation technology projects in terms of flexibility, cost, and
23 operational benefits.

24 (b) GOVERNMENT-WIDE APPLICATION.—In assessing
25 cloud computing opportunities, the Director shall, to the

1 maximum extent practicable, adopt a Government-wide
2 program providing for a standardized approach to security
3 assessment, authorization, and continuous monitoring for
4 cloud products and services.

5 **SEC. 215. 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 100 days after the date of sub-
4 mission. Any business case analysis not dis-
5 approved within such 100-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 Government-wide
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 Government-wide con-
10 tract vehicle in an amount greater than \$50,000,000
11 (or \$10,000,000, determined on an average annual
12 basis, in the case of such a contract vehicle per-
13 formed over more than one year).

14 (2) GOVERNMENT-WIDE CONTRACT VEHICLE.—
15 The term “Government-wide contract vehicle” has
16 the meaning provided in section 11501 of title 40,
17 United States Code, as added by section 301.

18 (d) REPORT.—Not later than June 1 in each of the
19 next 6 years following the date of the enactment of this
20 Act, the Administrator for Federal Procurement Policy
21 shall submit to the relevant congressional committees a
22 report on the implementation of this section, including a
23 summary of the submissions, reviews, approvals, and dis-
24 approvals of business case analyses pursuant to this sec-
25 tion.

1 (e) GUIDANCE.—The Administrator for Federal Pro-
2 curement Policy shall issue guidance for implementing this
3 section.

4 (f) REVISION OF FAR.—Not later than 180 days
5 after the date of the enactment of this Act, the Federal
6 Acquisition Regulation shall be amended to implement this
7 section.

8 **TITLE III—STREAMLINING AND**
9 **STRENGTHENING INFORMATION**
10 **TECHNOLOGY ACQUISITION**
11 **TION**

12 **Subtitle A—Streamlining IT**
13 **Acquisition Practices**

14 **SEC. 301. ESTABLISHMENT OF FEDERAL COMMODITY IT AC-**
15 **QUISITION CENTER.**

16 (a) ESTABLISHMENT.—

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

19 **“CHAPTER 115—FEDERAL INFORMATION**
20 **TECHNOLOGY ACQUISITION STREAM-**
21 **LINING**

“Sec.

“11501. Federal Commodity IT Acquisition Center.

22 **“§ 11501. Federal Commodity IT Acquisition Center**

23 **“(a) ESTABLISHMENT AND PURPOSES.—**The Direc-
24 tor of the Office of Management and Budget shall estab-

1 lish a Federal Commodity Information Technology Acqui-
2 sition Center (hereafter in this section referred to as the
3 ‘Center’) in accordance with this section. The purposes of
4 the Center are to serve as a focal point for coordinated
5 acquisition practices and to obtain lowest costs for the
6 Government in the acquisition of commodity IT through—

7 “(1) the elimination of redundancies;

8 “(2) the aggregation of demands from executive
9 agencies for commodity IT;

10 “(3) the development of Government-wide com-
11 modity IT acquisition capability in partnership with
12 various agencies with specialized expertise in infor-
13 mation technology;

14 “(4) active engagement with the private sector
15 to use up-to-date commercial technologies and to re-
16 move unnecessary burdens on industry in its inter-
17 actions with the Government;

18 “(5) the pursuit of innovative acquisition strate-
19 gies to overcome vendor monopolies and to maximize
20 the use of commercial best practices; and

21 “(6) the application of Government-wide use
22 and license rights.

23 “(b) DESIGNATION OF LEAD AGENCY TO HOST CEN-
24 TER.—Not later than 1 year after the date of the enact-
25 ment of this section and every 5 years thereafter, the Di-

1 rector shall designate (or redesignate) a lead executive
2 agency to host the Center.

3 “(c) CRITERIA FOR DESIGNATION OF LEAD AGEN-
4 CY.—In designating (or redesignating) the lead executive
5 agency hosting the Center, the Director shall consider, at
6 a minimum, the following matters:

7 “(1) The host agency’s ability, including the in-
8 house technical and program management staff, to
9 develop and maintain requirements necessary to es-
10 tablish Government-wide commodity IT contracts
11 that meet the Government’s needs while meeting
12 current industry standards and commercial best
13 practices.

14 “(2) The host agency’s ability to award and
15 manage innovative Government-wide contract vehi-
16 cles and other acquisition solutions by—

17 “(A) ensuring best value through meaning-
18 ful price competition by using aggregated de-
19 mand by centralizing information technology ac-
20 quisitions for commodity IT across all executive
21 agencies;

22 “(B) promoting competition among major
23 providers of commercial information technology
24 as prime contractors to maximize best value
25 and performance accountability by effective

1 adoption of commercially acceptable contract
2 terms and conditions to reduce unnecessary in-
3 dustry risks and legal liabilities;

4 “(C) maximizing the adoption of commer-
5 cial standards and industry acquisition best
6 practices, including effective supply chain man-
7 agement, consideration of total cost of owner-
8 ship, use of open source software, and use of
9 long term contracts, as appropriate; and

10 “(D) considering the availability of prime
11 contract holders who have the capability to per-
12 form the contract without having to pass
13 through an excessive portion of performance to
14 large commercial contractors.

15 “(3) The host agency’s in-house capability to
16 consistently develop reliable cost estimates that are
17 accurate, comprehensive, well-documented, and cred-
18 ible.

19 “(4) The host agency’s ability to work in part-
20 nership with other agencies.

21 “(d) GUIDANCE.—The Director, in consultation with
22 the Chief Information Officers Council, shall issue guid-
23 ance addressing the scope and operation of the Center.
24 The guidance shall address, at a minimum, the following:

1 “(1) The definition of those information tech-
2 nology goods and services that shall be considered to
3 be ‘commodity IT’.

4 “(2) Reorganization or elimination of unneces-
5 sary and duplicative Government-wide contract vehi-
6 cles offered by executive agencies, to ensure consist-
7 ency among Government-wide contract vehicles for
8 commodity IT.

9 “(3) Circumstances under which executive
10 agencies shall be required to use Government-wide
11 contract vehicles issued or endorsed by the Center,
12 in accordance with subsection (e).

13 “(4) Circumstances under which executive
14 agencies shall be required to consider the use of an
15 Assisted Acquisition Center of Excellence (author-
16 ized in section 11502) to acquire commonly used in-
17 formation technology goods and services.

18 “(e) REQUIREMENT TO CONSULT CENTER.—In the
19 acquisition of commodity IT in an amount exceeding
20 \$50,000,000, each executive agency shall consult the Cen-
21 ter, unless there are unique circumstances that justify not
22 consulting the Center. The Federal Acquisition Regulation
23 shall define the term ‘unique circumstances’ for purposes
24 of this subsection and shall require that the program man-
25 ager and the contracting officer of the agency shall con-

1 sider and document in the acquisition plan for the acquisi-
2 tion a justification for using Government-wide contract ve-
3 hicles other than those issued or endorsed by the Center.

4 “(f) REPORT TO CONGRESS.—The Director shall an-
5 nually submit to the relevant congressional committees a
6 report setting forth those executive agencies that did not
7 use, during the year covered by the report, the capabilities
8 of the Center and the Assisted Acquisition Centers of Ex-
9 cellence (authorized in section 11502), as required by sub-
10 section (e) and the guidance issued pursuant to subsection
11 (d).

12 “(g) IMPROVEMENT OF THE DOD ENTERPRISE
13 SOFTWARE INITIATIVE AND GSA SMARTBUY PROGRAM.—

14 “(1) IN GENERAL.—The Center, in collabora-
15 tion with the Office of Federal Procurement Policy,
16 the Department of Defense, and the General Serv-
17 ices Administration, shall identify and develop a
18 strategic sourcing initiative to enhance Government-
19 wide acquisition, shared use, and dissemination of
20 software, as well as compliance with end user license
21 agreements.

22 “(2) EXAMINATION OF METHODS.—In devel-
23 oping the strategic sourcing initiative, the Center
24 shall examine the use of strategic sourcing methods,
25 including aggregate demand-based contracting mod-

1 els (such as requirements contracts), metrics-based
2 commodity teams, and supplier relationship manage-
3 ment practices, to more effectively govern the Gov-
4 ernment's acquisition of information technology.

5 “(3) GOVERNMENT-WIDE USER LICENSE
6 AGREEMENT.—The Center shall establish a Govern-
7 ment-wide contract vehicle that allows for the pur-
8 chase of a license agreement that is available for use
9 by all executive agencies as one user. To the max-
10 imum extent practicable, in establishing the Govern-
11 ment-wide contract vehicle, the Center shall pursue
12 direct negotiation and contracting with major soft-
13 ware publishers as prime contractors.

14 “(h) GUIDELINES FOR THE ESTABLISHMENT OF
15 GOVERNMENT-WIDE CONTRACT VEHICLES FOR COM-
16 MODIFY IT.—

17 “(1) GUIDELINES.—The Center shall establish
18 guidelines that, to the maximum extent possible,
19 eliminate inconsistent practices among executive
20 agencies and ensure uniformity and consistency in
21 acquisition processes for commodity IT across the
22 Federal Government.

23 “(2) CENTRAL WEBSITE.—In preparing the
24 guidelines, the Center, in consultation with the Chief
25 Acquisition Officers Council, shall offer executive

1 agencies the option of accessing a central website for
2 placing orders, reporting inventory, and managing
3 expenses to optimize their use of the Government-
4 wide contract vehicles.

5 “(3) CLOUD SERVICE.—In preparing the guide-
6 lines, the Center shall examine innovative ap-
7 proaches, such as creating or designating a Govern-
8 ment organization to serve as a Government-wide
9 cloud service broker to achieve rapid provision of
10 needed services.

11 “(i) PRICING TRANSPARENCY.—The Center shall
12 compile a price list and catalogue containing current pric-
13 ing information by vendor for each of its commodity IT
14 categories. The price catalogue shall contain any price pro-
15 vided by a vendor for the same or similar good or service
16 to any executive agency. The catalogue shall be developed
17 in a fashion ensuring that it may be used for pricing com-
18 parisons and pricing analysis using standard data formats.
19 The price catalogue shall be made widely available and ac-
20 cessible to executive agencies.

21 “(j) FEDERAL IT ACQUISITION MANAGEMENT IM-
22 PROVEMENT FUND.—

23 “(1) ESTABLISHMENT AND MANAGEMENT OF
24 FUND.—There is a Federal IT Acquisition Manage-
25 ment Improvement Fund (in this subsection referred

1 to as the ‘Fund’). The Administrator of General
2 Services shall manage the Fund through the Federal
3 Commodity IT Acquisition Center to support the ac-
4 tivities of the Center carried out pursuant to this
5 section. The Administrator of General Services shall
6 consult with the Director in managing the Fund.

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

10 “(A) Government-wide task and delivery
11 order contracts entered into under sections
12 4103 and 4105 of title 41.

13 “(B) Government-wide contracts for the
14 acquisition of information technology and multi-
15 agency acquisition contracts for that technology
16 authorized by section 11314 of this title.

17 “(C) Multiple-award schedule contracts en-
18 tered into by the Administrator of General
19 Services.

20 “(3) REMITTANCE BY HEAD OF EXECUTIVE
21 AGENCY.—The head of an executive agency that ad-
22 ministers a contract described in paragraph (2) shall
23 remit to the General Services Administration the
24 amount required to be credited to the Fund with re-

1 spect to the contract at the end of each quarter of
2 the fiscal year.

3 “(4) AMOUNTS NOT TO BE USED FOR OTHER
4 PURPOSES.—The Administrator of General Services,
5 through the Office of Management and Budget, shall
6 ensure that amounts collected under this subsection
7 are not used for a purpose other than the activities
8 of the Center carried out pursuant to this section.

9 “(5) AVAILABILITY OF AMOUNTS.—Amounts
10 credited to the Fund remain available to be ex-
11 pended only in the fiscal year for which they are
12 credited and the 2 succeeding fiscal years.

13 “(k) DEFINITIONS.—In this section:

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

17 “(2) GOVERNMENT-WIDE CONTRACT VEHI-
18 CLE.—The term ‘Government-wide contract vehicle’
19 means any contract, blanket purchase agreement, or
20 other contractual instrument established by one ex-
21 ecutive agency for use by multiple executive agencies
22 to obtain supplies and services.

23 “(3) RELEVANT CONGRESSIONAL COMMIT-
24 TEES.—The term ‘relevant congressional commit-
25 tees’ means each of the following:

1 “(A) The Committee on Oversight and
2 Government Reform and the Committee on
3 Armed Services of the House of Representa-
4 tives.

5 “(B) The Committee on Homeland Secu-
6 rity and Government Affairs and the Committee
7 on Armed Services of the Senate.

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

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

**“115. Federal Information Technology Acquisition
 Streamlining11501”.**

14 (b) DEADLINES.—

15 (1) Not later than 180 days after the date of
16 the enactment of this Act—

17 (A) the Director shall issue guidance under
18 section 11501(d) of title 40, United States
19 Code, as added by subsection (a); and

20 (B) the Federal Acquisition Regulation
21 shall be revised in accordance with section
22 11501(e) of such title, as so added.

1 (2) Not later than 2 years after the date of the
2 enactment of this Act, the Federal Commodity In-
3 formation Technology Acquisition Center shall—

4 (A) identify and develop a strategic
5 sourcing initiative in accordance with section
6 11501(g) of such title, as so added; and

7 (B) establish guidelines in accordance with
8 section 11501(h) of such title, as so added.

9 **SEC. 302. DESIGNATION OF ASSISTED ACQUISITION CEN-**
10 **TERS OF EXCELLENCE.**

11 (a) DESIGNATION.—Chapter 115 of title 40, United
12 States Code, as amended by section 302, is further amend-
13 ed by adding at the end the following new section:

14 **“§ 11502. Assisted Acquisition Centers of Excellence**

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

18 “(1) the effective use of best acquisition prac-
19 tices; and

20 “(2) the development of specialized expertise in
21 the acquisition of information technology; and

22 “(3) Government-wide sharing of acquisition ca-
23 pability to augment any shortage in the information
24 technology acquisition workforce.

1 “(b) DESIGNATION OF AACES.—Not later than 1
2 year after the date of the enactment of this section, and
3 every 2 years thereafter, the Director of the Office of Man-
4 agement and Budget, in consultation with the Chief Ac-
5 quisition Officers Council and the Chief Information Offi-
6 cers Council, shall designate, redesignate, or withdraw the
7 designation of acquisition centers of excellence within var-
8 ious executive agencies to carry out the functions set forth
9 in subsection (c) in an area of specialized acquisition ex-
10 pertise as determined by the Director. Each such center
11 of excellence shall be known as an ‘Assisted Acquisition
12 Center of Excellence’ or an ‘AACE’.

13 “(c) FUNCTIONS.—The functions of each AACE are
14 as follows:

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

20 “(2) ASSISTED ACQUISITIONS.—To assist all
21 Government agencies in the expedient and low cost
22 acquisition of the information technology goods or
23 services covered by such area of specialized acquisi-
24 tion expertise by engaging in repeated and frequent

1 acquisition of similar information technology require-
2 ments.

3 “(3) DEVELOPMENT AND TRAINING OF IT AC-
4 QUISSION WORKFORCE.—To assist in recruiting and
5 training IT acquisition cadres (referred to in section
6 1704(j) of title 41).

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

10 “(1) The subject matter expertise of the host
11 agency in a specific area of information technology
12 acquisition.

13 “(2) The ability of an AACE to develop cus-
14 tomized requirements documents that meet the
15 needs of executive agencies as well as the current in-
16 dustry standards and commercial best practices.

17 “(3) The ability of an AACE to consistently
18 award and manage various contracts, task or deliv-
19 ery orders, and other acquisition arrangements in a
20 timely, cost-effective, and compliant manner.

21 “(4) The ability of an AACE to aggregate de-
22 mands from multiple executive agencies for similar
23 information technology goods or services and fulfill
24 those demands in one acquisition.

1 “(5) The ability of an AACE to acquire innova-
2 tive or emerging commercial and noncommercial
3 technologies using various contracting methods, in-
4 cluding other transaction authority granted under
5 subsection (e).

6 “(6) The ability of an AACE to maximize com-
7 mercial item acquisition, avoid high-risk contract
8 types, increase competition, promote small business
9 participation, and maximize use of available Govern-
10 ment-wide contract vehicles endorsed by the Center.

11 “(7) The existence of an in-house cost esti-
12 mating group with expertise to consistently develop
13 reliable cost estimates that are accurate, comprehen-
14 sive, well-documented, and credible.

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

20 “(A) Active engagement by program offi-
21 cials with stakeholders.

22 “(B) Possession by program staff of the
23 necessary knowledge and skills.

24 “(C) Support of the programs by senior
25 department and agency executives.

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

3 “(E) Participation by end users in testing
4 of system functionality prior to formal end user
5 acceptance testing.

6 “(F) Stability and consistency of Govern-
7 ment and contractor staff.

8 “(G) Prioritization of requirements by pro-
9 gram staff.

10 “(H) Maintenance of regular communica-
11 tion with the prime contractor by program offi-
12 cials.

13 “(I) Receipt of sufficient funding by pro-
14 grams.

15 “(9) The ability of an AACE to run an effective
16 acquisition intern program in collaboration with the
17 Federal Acquisition Institute or the Defense Acquisi-
18 tion University.

19 “(10) The ability of an AACE to effectively and
20 properly manage fees received for assisted acquisi-
21 tions pursuant to this section.

22 “(e) OTHER TRANSACTION AUTHORITY.—

23 “(1) IN GENERAL.—Each AACE designated or
24 redesignated under this section may use a form of
25 transaction other than a grant, contract, or coopera-

1 tive agreement to perform its functions under this
2 section.

3 “(2) JUSTIFICATION AND APPROVAL RE-
4 QUIRED.—Any use of the authority provided by
5 paragraph (1) (hereafter in this subsection referred
6 to as ‘other transaction authority’) for an acquisition
7 of information technology may be used by an ACCE
8 only if the AACE justifies the use of the authority
9 in writing, and the justification is approved by the
10 head of the contracting activity (as defined by agen-
11 cy procedures). A justification for the use of the au-
12 thority shall, at a minimum—

13 “(A) ensure the acquisition has appro-
14 priate oversight and governance;

15 “(B) ensure that the interests of the Gov-
16 ernment are properly protected; and

17 “(C) ensure that the use of the authority
18 is warranted due to unique technical challenges,
19 rapid adoption of innovative or emerging com-
20 mercial or noncommercial technologies, or other
21 circumstances that cannot readily be satisfied
22 using a contract, grant, or cooperative agree-
23 ment in accordance with applicable law and the
24 Federal Acquisition Regulation.

1 “(3) REPORT TO CONGRESS.—Not later than
2 October 1 of each year, the Administrator for Fed-
3 eral Procurement Policy shall submit to the relevant
4 congressional committees a report regarding the use
5 of other transaction authority pursuant to this sub-
6 section. The report shall include such recommenda-
7 tions as the Administrator considers appropriate for
8 expanding or reducing that authority.

9 “(f) REQUIREMENT TO CONSULT AACE.—In the ac-
10 quisition of goods or services covered by an area of special-
11 ized acquisition expertise of an AACE in an amount ex-
12 ceeding \$5,000,000, each executive agency shall consult
13 the AACE, unless there are unique circumstances that jus-
14 tify not consulting the AACE. The Federal Acquisition
15 Regulation shall define the term ‘unique circumstances’
16 for purposes of this subsection and shall require that the
17 program manager and the contracting officer of the agen-
18 cy shall consider and document in the acquisition plan for
19 the acquisition a justification for conducting its own acqui-
20 sition rather than using the AACE to assist in the acquisi-
21 tion.

22 “(g) GOVERNMENT ACCOUNTABILITY OFFICE RE-
23 VIEW OF AACE.—

24 “(1) REVIEW.—The Comptroller General of the
25 United States shall review and assess the use and

1 management of fees received by the AACEs pursu-
2 ant to this section to ensure that an appropriate fee
3 structure is established and enforced to cover activi-
4 ties addressed in this section and that no excess fees
5 are charged or retained.

6 “(2) REPORT.—Not later than 1 year after the
7 designation or redesignation under (b), the Comp-
8 troller General shall submit to the relevant congres-
9 sional committees a report containing the findings
10 and assessment under paragraph (1).

11 “(h) DEFINITIONS.—In this section:

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

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

21 “(B) funding is provided through a fran-
22 chise fund, the Acquisition Services Fund in
23 section 321 of this title, sections 1535 and
24 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 “(i) 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 added by section 303, is amended by adding at
13 the end the following new item:

 “11502. Assisted Acquisition Centers of Excellence.”.

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

16 **SEC. 311. 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) REPORT ON INFORMATION TECHNOLOGY ACQUI-
5 SITION CADRES.—

6 “(1) REPORT TO CONGRESS.—Not later than
7 June 1 in each of the next 6 years following the date
8 of the enactment of this subsection, the Director
9 shall submit to the relevant congressional commit-
10 tees a report (to be known as the ‘IT Acquisition
11 Cadres Report’) on the current status of the devel-
12 opment, strengthening, and deployment of informa-
13 tion technology acquisition cadres.

14 “(2) MATTERS COVERED.—The report shall in-
15 clude, at a minimum, an examination of the fol-
16 lowing matters:

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

22 “(B) The variety and complexity of infor-
23 mation technology acquisitions conducted by
24 each Federal agency covered by the report, and
25 the specialized information technology acquisi-

1 tion workforce needed to effectively carry out
2 such acquisitions.

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

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

18 “(E) Government-wide training standards
19 and certification requirements necessary to en-
20 hance the mobility and career opportunities of
21 the Federal information technology acquisition
22 cadre within the Federal agencies covered by
23 the report.

24 “(3) DEFINITIONS.—In this subsection:

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

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

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

9 “(ii) The Committee on Homeland Se-
10 curity and Government Affairs and the
11 Committee on Armed Services of the Sen-
12 ate.”.

13 **SEC. 312. REPORT ON STRENGTHENING PROGRAM AND**
14 **PROJECT MANAGEMENT PERFORMANCE.**

15 (a) REPORT ON STRENGTHENING PROGRAM AND
16 PROJECT MANAGEMENT PERFORMANCE.—Not later than
17 June 1 following the date of the enactment of this Act,
18 the Administrator for Federal Procurement Policy, in con-
19 sultation with the Director of the Office of Personnel Man-
20 agement, shall submit to the relevant congressional com-
21 mittees a report on ways to improve management of pro-
22 grams and projects.

23 (b) MATTERS COVERED.—The report required by
24 subsection (a) shall include, at a minimum, the following:

1 (1) An examination of the need for a new job
2 series for program management.

3 (2) A discussion of the feasibility of making the
4 current pilot IT program management career path
5 program government-wide.

6 (3) A discussion of the elimination of unneces-
7 sary duplication in program management certifi-
8 cations and training in Federal agencies.

9 (4) Such recommendations as the Administrator
10 considers appropriate.

11 **SEC. 313. PERSONNEL AWARDS FOR EXCELLENCE IN THE**
12 **ACQUISITION OF INFORMATION SYSTEMS**
13 **AND INFORMATION TECHNOLOGY.**

14 (a) **IN GENERAL.**—Not later than 180 days after the
15 date of the enactment of this Act, the Director of the Of-
16 fice of Personnel Management shall develop policy and
17 guidance for agencies to develop a program to recognize
18 excellent performance by Federal Government employees
19 and teams of such employees in the acquisition of informa-
20 tion systems and information technology for the agency.

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

23 (1) obtain objective outcome measures; and

24 (2) include procedures for—

1 (A) the nomination of Federal Government
2 employees and teams of such employees for eli-
3 gibility for recognition under the program; and

4 (B) the evaluation of nominations for rec-
5 ognition under the program by 1 or more agen-
6 cy panels of individuals from government, aca-
7 demia, and the private sector who have such ex-
8 pertise, and are appointed in such a manner, as
9 the Director of the Office of Personal Manage-
10 ment shall establish for purposes of the pro-
11 gram.

12 (c) AWARD OF CASH BONUSES AND OTHER INCEN-
13 TIVES.—In carrying out the program referred to in sub-
14 section (a), the Director of the Office of Personnel Man-
15 agement, in consultation with the Director of the Office
16 of Management and Budget, shall establish policies and
17 guidance for agencies to reward any Federal Government
18 employee or teams of such employees recognized pursuant
19 to the program—

20 (1) with a cash bonus, to the extent that the
21 performance of such individual or team warrants the
22 award of such bonus and is authorized by any provi-
23 sion of law;

24 (2) through promotions and other nonmonetary
25 awards;

1 (3) by publicizing—

2 (A) acquisition accomplishments by indi-
3 vidual employees; and

4 (B) the tangible end benefits that resulted
5 from such accomplishments, as appropriate;
6 and

7 (4) through other awards, incentives, or bo-
8 nuses that the head of the agency considers appro-
9 priate.

10 **TITLE IV—ADDITIONAL**
11 **REFORMS**

12 **SEC. 401. MAXIMIZING THE BENEFIT OF THE FEDERAL**
13 **STRATEGIC SOURCING INITIATIVE.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Administrator for Federal Procure-
16 ment Policy shall prescribe regulations providing that
17 when the Federal Government purchases services and sup-
18 plies offered under the Federal Strategic Sourcing Initia-
19 tive (managed by the Office of Federal Procurement Pol-
20 icy) priority shall be given to services and supplies offered
21 under such Initiative over services and supplies offered
22 under the Federal Supply Schedules or commercial
23 sources.

1 **SEC. 402. PROMOTING TRANSPARENCY OF BLANKET PUR-**
2 **CHASE AGREEMENTS.**

3 (a) PRICE INFORMATION TO BE TREATED AS PUBLIC
4 INFORMATION.—The final negotiated price offered by an
5 awardee of a blanket purchase agreement shall be treated
6 as public information.

7 (b) PUBLICATION OF BLANKET PURCHASE AGREE-
8 MENT INFORMATION.—Not later than 180 days after the
9 date of the enactment of this Act, the Administrator of
10 General Services shall make available to the public a list
11 of all blanket purchase agreements entered into by Federal
12 agencies under its Federal Supply Schedules contracts and
13 the prices associated with those blanket purchase agree-
14 ments. The list and price information shall be updated at
15 least once every 6 months.

16 **SEC. 403. CLARIFICATION RELATING TO SEVERABLE SERV-**
17 **ICES CONTRACTS.**

18 Section 3902(a) of title 41, United States Code, is
19 amended by inserting before the period at the end the fol-
20 lowing: “and if the period of availability of the appropria-
21 tions funding the contract does not exceed one year.”.

22 **SEC. 404. ADDITIONAL SOURCE SELECTION TECHNIQUE IN**
23 **SOLICITATIONS.**

24 Section 3306(d) of title 41, United States Code, is
25 amended—

1 (1) by striking “or” at the end of paragraph
2 (1);

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

5 (3) by adding at the end the following new
6 paragraph:

7 “(3) stating in the solicitation that the award
8 will be made using a fixed price technical competi-
9 tion, under which all offerors compete solely on non-
10 price factors and the fixed award price is announced
11 in solicitation.”

12 **SEC. 405. PROMOTION OF GOVERNMENT-WIDE SUPPORT**
13 **FOR THE USE AND DEVELOPMENT OF OPEN**
14 **SOURCE SOFTWARE.**

15 (a) **PURPOSE.**—The purpose of this section is to pro-
16 mote the use and collaborative development of open source
17 software within the Federal government.

18 (b) **STANDARDS AND GUIDELINES.**—Section
19 11302(d) of title 40, United States Code, is amended by
20 adding at the end the following: “The standards and
21 guidelines shall include those necessary to enable effective
22 adoption of open source software.”

23 (c) **GUIDANCE.**—Not later than 180 days after the
24 date of the enactment of this Act, the Director, in con-
25 sultation with the Chief Information Officers Council,

1 shall issue guidance for the use and collaborative develop-
2 ment of open source software within the Federal govern-
3 ment.

4 (d) MATTERS COVERED.—In issuing guidance under
5 subsection (c), the Director shall include, at a minimum,
6 the following:

7 (1) Guidance to clarify that the preference for
8 commercial items in section 3307 of title 41, United
9 States Code, includes all open source software that
10 meets the definition of commercial item in section
11 103 of title 40, United State Code, including all
12 such software that is used for non-Government pur-
13 poses and is licensed to the public.

14 (2) Guidance regarding the conduct of market
15 research to ensure the inclusion of open source soft-
16 ware.

17 (3) Guidance to establish a program to educate
18 the acquisition workforce by providing information
19 to identify and counter misconceptions about open
20 source software and to keep such information up-
21 dated.

22 (4) Guidance to define Government-wide stand-
23 ards for security, redistribution, indemnity, and
24 copyright in the acquisition, use, release, and col-
25 laborative development of open source software.

1 (5) Guidance for the establishment of a Govern-
2 ment approval process to qualify open source soft-
3 ware for widespread Government use, addressing
4 issues such as security and redistribution rights.

5 (6) Guidance to establish standard service level
6 agreements for maintenance and support for open
7 source software products widely adopted by the Gov-
8 ernment, as well as the development of Government-
9 wide agreements that contain standard and widely
10 applicable contract provisions for ongoing mainte-
11 nance and development of open source software.

12 (7) Guidance on the role and use of the Federal
13 Commodity Information Technology Acquisition
14 Center, established pursuant to section 11501 of
15 title 40, United States Code (as added by section
16 302), for acquisition of open source software.

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

22 (1) an assessment of the effectiveness of the
23 guidance;

1 (2) an identification of barriers to widespread
2 use by the Federal Government of open source soft-
3 ware; and

4 (3) such legislative recommendations as the
5 Comptroller General considers appropriate to further
6 the purposes of this section.

DR
ET