

[DISCUSSION DRAFT]

JANUARY 27, 2014

113TH CONGRESS
2D SESSION

H. R. _____

To establish an Office of United States Chief Technology Officer, including a United States Digital Government Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. ESHOO (for herself and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on _____

A BILL

To establish an Office of United States Chief Technology Officer, including a United States Digital Government Office, 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 “Reforming Federal
5 Procurement of Information Technology Act” or the
6 “RFP-IT Act”.

1 **SEC. 2. INCREASE IN SIMPLIFIED ACQUISITION THRESH-**
2 **OLD FOR INFORMATION TECHNOLOGY**
3 **PROJECTS.**

4 Section 134 of title 41, United States Code, is
5 amended by striking “means \$100,000.” and inserting the
6 following: “means—

7 “(1) \$100,000; or

8 “(2) in the case of a contract for the purchase
9 of information technology (as such term is defined in
10 section 11101 of title 40) services from a small busi-
11 ness concern (as such term is defined in section 3(a)
12 of the Small Business Act (15 U.S.C. 632(a)),
13 \$500,000.”.

14 **SEC. 3. OFFICE OF THE UNITED STATES CHIEF TECH-**
15 **NOLOGY OFFICER.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established in the
18 Executive Office of the President an office to be
19 known as the “Office of the United States Chief
20 Technology Officer” (in this Act referred to as the
21 “Office”).

22 (2) HEAD OF THE OFFICE.—

23 (A) UNITED STATES CHIEF TECHNOLOGY
24 OFFICER.—The President shall appoint a
25 United States Chief Technology Officer (in this

1 Act referred to as the “United States CTO”),
2 who shall be the head of the Office.

3 (B) COMPENSATION.—Section 5313 of title
4 5, United States Code, is amended by adding at
5 the end the following:

6 “United States Chief Technology Officer.”.

7 (3) STAFF.—The President may appoint addi-
8 tional staff members to the Office.

9 (b) DUTIES OF THE UNITED STATES CTO.—The du-
10 ties of the United States CTO are the following:

11 (1) Serve as the President’s lead advisor on
12 using technology to improve citizen services and
13 Government outcomes.

14 (2) Develop and serve as head of the United
15 States Digital Government Office in accordance with
16 section 4.

17 (3) Develop and serve as head of the Presi-
18 dential Innovation Fellows Program in accordance
19 with section 5.

20 (c) REGULATIONS.—The United States CTO may
21 prescribe such regulations regarding procurement as may
22 be necessary to carry out the CTO’s duties.

23 **SEC. 4. UNITED STATES DIGITAL GOVERNMENT OFFICE.**

24 (a) ESTABLISHMENT.—There is established within
25 the Office of the United States Chief Technology Officer

1 an office to be known as the “United States Digital Gov-
2 ernment Office” or “United States DGO” (in this Act re-
3 ferred to as the “United States DGO”).

4 (b) HEAD OF OFFICE.—The head of the United
5 States DGO shall be the United States CTO.

6 (c) RESPONSIBILITIES OF UNITED STATES DGO.—
7 The United States DGO shall consider every proposal of
8 a Federal agency for a major information technology
9 project and make one of the following determinations with
10 respect to each project:

11 (1) The United States DGO shall handle the
12 project within the United States DGO or with exist-
13 ing resources.

14 (2) The United States DGO shall assist the
15 agency in developing specifications for a contract for
16 the project and in awarding a contract.

17 (3) The United States DGO shall direct the
18 agency to handle the project within the agency.

19 (d) STAFF; CRITICAL POSITION PAY AUTHORITY.—

20 (1) IN GENERAL.—The United States CTO may
21 hire staff for the United States DGO.

22 (2) CRITICAL POSITION PAY AUTHORITY.—

23 (A) CTO MAY HIRE DIRECTLY.—Notwith-
24 standing section 5377(c) of title 5, United
25 States Code, the United States CTO may hire

1 staff for the United States DGO using the au-
2 thority under section 5377(b) of such title, sub-
3 ject to subparagraph (B). Staff may be re-
4 cruited from the Office of Science and Tech-
5 nology Policy to the extent the United States
6 CTO considers necessary.

7 (B) NUMBER OF POSITIONS.—With respect
8 to persons hired under this section by the
9 United States CTO for the United States DGO,
10 the limitations on number of positions under
11 section 5377(f) shall not apply.

12 (3) PRESIDENTIAL INNOVATION FELLOWS.—
13 The United States CTO may assign Presidential In-
14 novation Fellows to work in the United States DGO.

15 (e) UNITED STATES DIGITAL GOVERNMENT OFFICE
16 FUND.—

17 (1) ESTABLISHMENT AND MANAGEMENT OF
18 FUND.—There is a United States Digital Govern-
19 ment Office Fund (in this subsection referred to as
20 the “Fund”). The Administrator of General Services
21 shall manage the Fund through the United States
22 DGO to support the activities of the United States
23 DGO pursuant to this section. The Administrator of
24 General Services shall consult with the United
25 States CTO in managing the Fund.

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

4 (A) Governmentwide task and delivery
5 order contracts entered into under sections
6 4103 and 4105 of title 41, United States Code.

7 (B) Governmentwide contracts for the ac-
8 quisition of information technology and multi-
9 agency acquisition contracts for that technology
10 authorized by section 11314 of title 40, United
11 States Code.

12 (C) Multiple-award schedule contracts en-
13 tered into by the Administrator of General
14 Services.

15 (3) REMITTANCE BY HEAD OF EXECUTIVE
16 AGENCY.—The head of an executive agency that ad-
17 ministers a contract described in paragraph (2) shall
18 remit to the General Services Administration the
19 amount required to be credited to the Fund with re-
20 spect to the contract at the end of each quarter of
21 the fiscal year.

22 (4) AMOUNTS NOT TO BE USED FOR OTHER
23 PURPOSES.—The Administrator of General Services,
24 through the Office of Management and Budget, shall
25 ensure that amounts collected under this subsection

1 are not used for a purpose other than the activities
2 of the United States DGO carried out pursuant to
3 this section.

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

8 (f) DEFINITIONS.—In this section:

9 (1) EXECUTIVE AGENCY.—The term “executive
10 agency” has the meaning provided that term by sec-
11 tion 105 of title 5.

12 (2) MAJOR INFORMATION TECHNOLOGY
13 PROJECT.—In this section, the term “major infor-
14 mation technology project” means any project re-
15 lated to information technology that the United
16 States CTO determines—

17 (A) to—

18 (i) be primarily focused on providing
19 citizen services (such as a public website);

20 or

21 (ii) have high development, operating,
22 or maintenance costs and a high risk of in-
23 ccurring significant cost overruns and
24 schedule delays; and

1 (B) is not comprised substantially of com-
2 modity technology (such as basic office software
3 and hardware, including computers, keyboards,
4 and mobile smart devices).

5 **SEC. 5. PRESIDENTIAL INNOVATION FELLOWS PROGRAM.**

6 (a) ESTABLISHMENT.—There is established within
7 the Executive Office of the President a program to be
8 known as the “Presidential Innovation Fellows Program”
9 (in this section referred to as the “Program”).

10 (b) PURPOSE.—The purpose of the Program is to
11 bridge the gap between the private sector and the public
12 sector by bringing non-Government innovators into the
13 Government to work collaboratively for a period of time
14 with Government innovators in order to rapidly solve chal-
15 lenges of national importance.

16 (c) ADMINISTRATION.—The United States CTO shall
17 administer the Program.

18 (d) FELLOWS.—

19 (1) SELECTION OF FELLOWS.—The United
20 States CTO shall select Presidential Innovation Fel-
21 lows for participation in the Program.

22 (2) LENGTH OF FELLOWSHIPS.—Each fellow-
23 ship in the Program shall last 6 to 13 months, at
24 the discretion of the United States CTO.

1 (3) QUALIFICATIONS.—In order to participate
2 in the Program, a candidate for fellow shall be a cit-
3 izen of the United States and able to fulfill the du-
4 ties of the role for which the candidate applies.

5 **SEC. 6. FAR COUNCIL MEMBERSHIP FOR UNITED STATES**
6 **CHIEF TECHNOLOGY OFFICER.**

7 (a) ADDITION OF UNITED STATES CTO TO FAR
8 COUNCIL.—Section 1302(b) of title 41, United States
9 Code, is amended—

10 (1) by striking “and” at the end of subpara-
11 graph (C);

12 (2) by striking the period and inserting “; and”
13 at the end of subparagraph (D); and

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

16 “(E) the United States Chief Technology
17 Officer.”.

18 (b) CONFORMING AMENDMENTS.—Section
19 1303(a)(1) of such title is amended —

20 (1) by striking “and the Administrator of Na-
21 tional Aeronautics and Space,” and inserting “the
22 Administrator of National Aeronautics and Space,
23 and the United States Chief Technology Officer,”;
24 and

1 (2) by striking “and the National Aeronautics
2 and Space Act of 1958 (42 U.S.C. 2451 et seq.),”
3 and inserting “the National Aeronautics and Space
4 Act of 1958 (42 U.S.C. 2451 et seq.), and section
5 3 of the Reforming Federal Procurement of Infor-
6 mation Technology Act,”.