

117TH CONGRESS
2D SESSION

S. 3890

To improve intergovernmental cooperation and reduce duplicative spending,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2022

Mr. PETERS (for himself, Mr. DAINES, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve intergovernmental cooperation and reduce
duplicative spending, 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 “Improving Intergovern-
5 mental Cooperation and Reducing Duplication Act of
6 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) It remains the policy of the United States
10 Government to rely on the private sector enterprise

1 system to provide services reasonably and quickly
2 through ordinary business channels.

3 (2) However, over the past half century, the
4 substantial investment in unique, scalable, purpose-
5 ful, and well-functioning government products and
6 services, including those reliant on the private sector
7 for support, has grown substantially and contributed
8 to the successful delivery of important benefits, serv-
9 ices, and programs to taxpayers while reducing
10 waste, fraud, and abuse.

11 (3) While the United States remains, as it al-
12 ways shall, a Federal system, when Congress makes
13 sustained and significant investments in inherently
14 governmental functions, Congress must seek to en-
15 sure that arbitrary restrictions are not in place that
16 encourage other instances of waste, fraud, and abuse
17 by allowing government agencies at all levels to cre-
18 ate bespoke, independent systems, studies, and de-
19 velopment projects in an independent and uncoordi-
20 nated manner.

21 (4) In respecting the leadership and ingenuity
22 of the private sector, Congress must not allow agen-
23 cies at various levels of government to operate in
24 completely independent silos, especially when Fed-
25 eral benefits and programs are being administered

1 at the State, local, territorial, and Tribal levels,
2 which, in doing so, requires far greater taxpayer re-
3 sources to be spent developing and maintaining sys-
4 tems, programs, projects, and other services that can
5 be better delivered and managed cooperatively be-
6 tween jurisdictions.

7 (5) State, local, territorial, and Tribal entities
8 should have the option, without being coerced or re-
9 quired, to adopt and use important information, in-
10 frastructure, capabilities, and services from the Fed-
11 eral Government if such offerings are made to ben-
12 efit taxpayers and the constituents served by those
13 offerings.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **DIRECTOR.**—The term “Director” means
17 the Director of the Office of Management and Budg-
18 et.

19 (2) **EXECUTIVE AGENCY.**—The term “executive
20 agency” has the meaning given the term in section
21 102 of title 31, United States Code.

22 (3) **TERRITORIAL GOVERNMENT.**—The term
23 “territorial government” has the meaning given the
24 term in section 5 of PROMESA (48 U.S.C. 2104).

1 (4) TRIBAL GOVERNMENT.—The term “Tribal
2 government” means the recognized governing body
3 of any Indian or Alaska Native tribe, band, nation,
4 pueblo, village, community, component band, or com-
5 ponent reservation, individually identified (including
6 parenthetically) in the list published most recently as
7 of the date of enactment of this paragraph pursuant
8 to section 104 of the Federally Recognized Indian
9 Tribe List Act of 1994 (25 U.S.C. 5131).

10 **SEC. 4. SPECIALIZED OR TECHNICAL SERVICES.**

11 Section 6505 of title 31, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) by inserting “information technology
15 products and platforms,” after “documents,”;

16 (B) by inserting “or supporting” after
17 “similar”; and

18 (C) by striking the second sentence;

19 (2) in subsection (b)—

20 (A) in the matter preceding paragraph (1),
21 by striking “State or local” and inserting
22 “State, local, territorial, or Tribal”;

23 (B) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) a request is made by a representative of
2 the State, local, territorial or Tribal government;
3 and”;

4 (C) in paragraph (2), by striking “State or
5 local” and inserting “State, local, territorial, or
6 Tribal”;

7 (3) by redesignating subsection (d) as sub-
8 section (f);

9 (4) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) When providing services prescribed by the Presi-
12 dent under this section to a State, local, territorial, or
13 Tribal government, the head of an executive agency shall
14 take all available necessary and appropriate steps to in-
15 crease cooperation and reduce administrative burden be-
16 tween the State, local, territorial, or Tribal government
17 requesting the service and the executive agency.”; and

18 (5) by adding at the end the following:

19 “(g) In this section—

20 “(1) the term ‘territorial government’ has the
21 meaning given the term in section 5 of PROMESA
22 (48 U.S.C. 2104); and

23 “(2) the term ‘Tribal government’ means the
24 recognized governing body of any Indian or Alaska
25 Native tribe, band, nation, pueblo, village, commu-

1 nity, component band, or component reservation, in-
2 dividually identified (including parenthetically) in
3 the list published most recently as of the date of en-
4 actment of this paragraph pursuant to section 104
5 of the Federally Recognized Indian Tribe List Act of
6 1994 (25 U.S.C. 5131).”.

7 **SEC. 5. STRATEGIC PLAN.**

8 (a) IN GENERAL.—Not later than 150 days after the
9 date of enactment of this Act, the Director, in coordina-
10 tion with the Director of the Office of Intergovernmental
11 Affairs, shall publish a strategic plan to improve coopera-
12 tion between and support greater harmonization, effective-
13 ness, and the reduction of burdens and costs between the
14 Federal Government and State, local, territorial, and Trib-
15 al governments.

16 (b) CONTENTS.—The plan required under subsection
17 (a)—

18 (1) shall include coordination with and input
19 from State, local, territorial, and Tribal governments
20 and other relevant stakeholders;

21 (2) shall include, at a minimum, actions and ac-
22 tivities the Federal Government shall take to
23 strengthen and improve the delivery of Federal serv-
24 ices, benefits, and programs administered by State
25 and local governments, including specific actions to

1 increase harmonization between the Federal Govern-
2 ment and State, local, territorial, and Tribal govern-
3 ments through increased availability and use of spe-
4 cialized or technical services provided by executive
5 agencies pursuant to section 6505 of title 31, United
6 States Code, as amended by section 4 of this Act;
7 and

8 (3) may include additional elements, data,
9 plans, and actions, and may be updated from time
10 to time, as the Director and the Director of the Of-
11 fice of Intergovernmental Affairs determine nec-
12 essary.

13 **SEC. 6. OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.**

14 (a) **GUIDANCE REQUIRED BY THE DIRECTOR.—**

15 (1) **IN GENERAL.—**Not later than 90 days after
16 the date of enactment of this Act, the Director shall
17 issue guidance implementing section 6505 of title
18 31, United States Code, as amended by section 4 of
19 this Act.

20 (2) **CONTENTS.—**The guidance issued under
21 paragraph (1)—

22 (A) may not preclude any executive agency
23 offering specialized services pursuant to section
24 6505 of title 31, United States Code, as amend-
25 ed by section 4 of this Act, from utilizing em-

1 employees or hiring employees to support the de-
2 velopment and offering of specialized or tech-
3 nical services identified by the executive agency
4 under such section 6505;

5 (B) shall set requirements for executive
6 agencies to routinely identify, scope, and, where
7 approved, provide specialized or technical serv-
8 ices to State, local, territorial, and Tribal gov-
9 ernments;

10 (C) shall ensure that executive agencies are
11 not unreasonably restricted from offering spe-
12 cialized or technical services to State, local, ter-
13 ritorial, and Tribal governments, especially
14 when doing so would improve the efficiency, ef-
15 fectiveness, and successful delivery of Federal
16 programs or benefits to United States citizens;
17 and

18 (D) shall include any other measures iden-
19 tified by the Director to implement section
20 6505 of title 31, United States Code, as amend-
21 ed by section 4 of this Act.

22 (b) RESCISSION OF CURRENT GUIDANCE BY THE DI-
23 RECTOR.—Upon issuance of the guidance required by sub-
24 section (a), the Director shall rescind Office of Manage-
25 ment and Budget Circular A-97, dated August 29, 1969.

1 **SEC. 7. REPORT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, and every year thereafter,
4 the Director, in coordination with the Director of the Of-
5 fice of Intergovernmental Affairs, shall submit to the
6 Committee on Homeland Security and Government Affairs
7 of the Senate and the Committee on Oversight and Re-
8 form of the House of Representatives a report on actions
9 and activities taken by executive agencies pursuant to sec-
10 tion 6505 of title 31, United States Code, as amended by
11 section 4 of this Act.

12 (b) CONTENTS.—The report required under sub-
13 section (a) shall include—

14 (1) a detailed list of the types of specialized or
15 technical services provided by each executive agency
16 under section 6505 of title 31, United States Code,
17 as amended by section 4 of this Act, including the
18 costs of each service provided to each State, local,
19 territorial, and Tribal government;

20 (2) measures of State, local, territorial, and
21 Tribal government satisfaction, including an assess-
22 ment of any such measures, with the specialized or
23 technical services provided by executive agencies
24 under such section 6505, including any cost savings
25 to taxpayers;

1 (3) in coordination with State, local, territorial,
 2 and Tribal governments, recommendations for the
 3 continued improvement of cooperation between the
 4 Federal Government and State, local, territorial, and
 5 Tribal governments, including legislative rec-
 6 ommendations where appropriate, to reduce unneces-
 7 sary duplication and costs, improve service delivery,
 8 and strengthen accountability and oversight of Fed-
 9 eral programs, services, and benefits primarily deliv-
 10 ered by State, local, territorial, or Tribal govern-
 11 ments; and

12 (4) other information, assessments, and matters
 13 that the Director and the Director of the Office of
 14 Intergovernmental Affairs may determine necessary.

15 (c) **FORMAT.**—The report required under subsection
 16 (a) may be published in a machine readable format on a
 17 website chosen by the Director.

18 **SEC. 8. AUTHORITIES OF THE ADMINISTRATOR OF GEN-**
 19 **ERAL SERVICES.**

20 (a) **IN GENERAL.**—Subchapter III of chapter III of
 21 subtitle I of title 40, United States Code, is amended by
 22 adding at the end the following:

23 **“§ 324. Support for State, local, territorial, and Tribal**
 24 **governments**

25 “(a) **DEFINITIONS.**—In this section—

1 “(1) the term ‘local government’ and ‘State’
2 have the meanings given those terms in section 6501
3 of title 31;

4 “(2) the term ‘territorial government’ has the
5 meaning given the term in section 5 of PROMESA
6 (48 U.S.C. 2104); and

7 “(3) the term ‘Tribal government’ means the
8 recognized governing body of any Indian or Alaska
9 Native tribe, band, nation, pueblo, village, commu-
10 nity, component band, or component reservation, in-
11 dividually identified (including parenthetically) in
12 the list published most recently as of the date of en-
13 actment of this paragraph pursuant to section 104
14 of the Federally Recognized Indian Tribe List Act of
15 1994 (25 U.S.C. 5131).

16 “(b) AUTHORITY TO PROVIDE SERVICES TO STATE,
17 LOCAL, TERRITORIAL, AND TRIBAL GOVERNMENTS.—In
18 addition to any authorities provided to the Administrator
19 in this title or any other title of the United States Code,
20 the Administrator may provide specialized or technical
21 services described in section 6505 of title 31 on a reim-
22 bursable or non-reimbursable basis to a State, local, terri-
23 torial, or Tribal government.

24 “(c) USE OF FUNDS.—The Administrator is author-
25 ized to use monies deposited into or otherwise made avail-

1 able to funds authorized under this chapter to provide the
2 services described in subsection (b).

3 “(d) USE OF AUTHORITY.—The authorities provided
4 under this section shall be in addition to any other au-
5 thorities provided to the Administrator by law.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections for title 40, United States Code, is
8 amended by inserting after the item relating to section
9 323 the following:

“324. Support for State, local, territorial and Tribal governments.”.

