

United States Senate

WASHINGTON, DC 20510

April 22, 2021

The Honorable Shalanda Young
Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

The Honorable Katy Kale
Acting Administrator
General Services Administration
1800 F Street, NW
Washington, DC 20405

The Honorable Clare Martorana
Federal Chief Information Officer
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Young, Acting Administrator Kale, and Federal CIO Martorana:

We write today to encourage flexible administration of recently appropriated federal IT modernization funding through the American Rescue Plan, and for the Biden Administration to utilize existing authorities to ensure that the Technology Modernization Fund (TMF) can be a valuable resource for agencies as they continue to respond to the historic challenges from the COVID-19 pandemic.

Congress created the TMF as part of the Modernizing Government Technology (MGT) Act,¹ in response to pressing needs for federal agencies to modernize outdated IT systems and address critical vulnerabilities. The TMF – governed by a board of experts with backgrounds in IT, cybersecurity, financial management, and federal acquisition – is unique in its ability to rapidly evaluate technology modernization proposals, assign funding in a manner that prioritizes high-need and cost-saving projects, and do all of this in a transparent and accountable manner.

In the three years since it was established, the TMF has delivered more than \$125 million to 11 modernization projects across the government, funding projects that the TMF Board identified as having significant impact on agencies' security, program operability, and ability to efficiently and effectively deliver results for taxpayers.

It is widely acknowledged that our federal government needs to make significant and urgent investments in replacing outdated and insecure legacy IT systems. Over the past year of the pandemic however, in which we've seen more than 565,000 deaths in the U.S. and devastating degrees of economic hardship, added demands have at times overwhelmed our government's ability to continue providing effective customer service and critical benefits to Americans. The Pandemic Response Accountability Committee (PRAC), in their June 2020 report, identified that

¹ Pub. L. No. 115-91, tit. X, subtitle G, 131 Stat. 1586 (2017). (accessed at: <https://www.congress.gov/115/plaws/publ91/PLAW-115publ91.pdf>, 21 April, 2021)

challenges related to IT infrastructure are “significant,” and are further impacted by agencies’ needed reliance on telework, and increased opportunities and vectors for cyberattacks.² Their February 2021 update confirms that this remains an ongoing “top challenge.”³ We have heard from many of our constituents how these strains have slowed the processing of benefits and claims, and have in many ways hindered their ability to access critical resources and needed assistance that Congress has put in place.

In recognition of this urgent need to address our government’s IT challenges, Congress appropriated \$1 billion to the TMF through the American Rescue Plan. This investment represented not only the agreement of majorities of both chambers of Congress that we must quickly address these vulnerabilities that the pandemic has further highlighted, but also of President Biden, who in unveiling the proposal in January characterized the need for IT investments as “an urgent national security issue that cannot wait.”⁴

We appreciate the urgency and care with which you will deploy this funding, and encourage you to utilize the flexibility granted to you by statute to ensure that funding from the TMF is able to rapidly meet the needs of agencies as they continue to respond to this pandemic. Under the MGT Act, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, and the TMF Board, have various authorities to manage the fund, including the authorities to determine staffing levels and project selection criteria, and the authority to set the terms for agency repayment of funds. We encourage you to take steps to ensure that agencies are able to rapidly and effectively respond to pressing needs, including by significantly adjusting or removing reimbursement requirements for portions of the funding. We continue to believe that repayment of funds to the TMF helps ensure its long-term viability, but the magnitude of the current challenges presents an urgent need.

We look forward to working with you in addressing issues related to federal IT, and in ensuring the lasting strength and effectiveness of the TMF. We hope that you will take steps in management of the fund that meet the urgency of the moment, will issue clear and transparent guidance for agencies and Congress to understand selection criteria and repayment requirements, and will proactively work with agencies across the government to identify priority areas for investment, and communicate the Biden Administration’s commitment to act.

² Pandemic Response Accountability Committee (2020). *Top Challenges Facing Federal Agencies: COVID-19 Emergency Relief and Response Efforts*. (accessed at: https://www.oversight.gov/sites/default/files/oig-reports/Top%20Challenges%20Facing%20Federal%20Agencies%20-%20COVID-19%20Emergency%20Relief%20and%20Response%20Efforts_1.pdf, 21 April, 2021)

³ Pandemic Response Accountability Committee (2021). *UPDATE Top Challenges in Pandemic Relief and Response*. (accessed at: <https://www.oversight.gov/sites/default/files/oig-reports/PRAC/PRAC-Update-Top-Challenges-Pandemic-Relief-and-Response.pdf>, 21 April, 2021)

⁴ The White House. (20 January, 2021). *President Biden Announces American Rescue Plan* [Press Release]. (accessed at: <https://www.whitehouse.gov/briefing-room/legislation/2021/01/20/president-biden-announces-american-rescue-plan/>, 21 April 2021)

Sincerely,



MARK R. WARNER
United States Senator



GARY C. PETERS
United States Senator



CHRIS VAN HOLLEN
United States Senator