

Calendar No. 618

116TH CONGRESS
2D SESSION

S. 3038

[Report No. 116–315]

To promote innovative acquisition techniques and procurement strategies,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2019

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

DECEMBER 14, 2020

Reported by Mr. JOHNSON, without amendment

A BILL

To promote innovative acquisition techniques and
procurement strategies, 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 “Promoting Rigorous
5 and Innovative Cost Efficiencies for Federal Procurement

1 and Acquisitions Act of 2019” or the “PRICE Act of
2 2019”.

3 **SEC. 2. FINDINGS.**

4 Congress finds that—

5 (1) small business participation in the Federal
6 marketplace is key to ensuring a strong industrial
7 base;

8 (2) the Business Opportunity Development Re-
9 form Act of 1988 (Public Law 100–656) sets forth
10 the requirement for the President to establish Gov-
11 ernment-wide goals for procurement contracts
12 awarded to small businesses;

13 (3) each year, the Small Business Administra-
14 tion works with each Federal agency to set their re-
15 spective contracting goals and publishes a scorecard
16 to ensure that the total of all Federal agency goals
17 meets the required targets for the Federal Govern-
18 ment;

19 (4) the Department has received among the
20 highest scorecard letter grades 10 years in a row
21 and is the largest Federal agency to have such a
22 track record;

23 (5) in virtually every segment of the economy of
24 the United States, including the homeland security
25 community, there are small businesses working to

1 support the mission and playing a critical role in de-
2 livering efficient and innovative solutions to the ac-
3 quisition needs of the Federal Government;

4 (6) the Procurement Innovation Lab of the De-
5 partment—

6 (A) is aimed at experimenting with innova-
7 tive acquisition techniques across the Homeland
8 Security enterprise;

9 (B) provides a forum to test new ideas,
10 share lessons learned, and promote best prac-
11 tices;

12 (C) fosters cultural changes that promote
13 innovation and managed risk taking through a
14 continuous cycle of testing, obtaining feedback,
15 sharing information, and retesting where appro-
16 priate; and

17 (D) aims to make the acquisition process
18 more smooth and innovative within the con-
19 struct of the Federal Acquisition Regulation for
20 both the Federal Government and contractors;
21 and

22 (7) despite progress in the adoption of new and
23 better business practices by many Federal agencies,
24 the overall adoption of modernized business practices

1 and advanced technologies across the Federal Gov-
2 ernment remains slow and uneven.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator for Federal Pro-
7 curement Policy.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs and the Committee
13 on Small Business and Entrepreneurship of the
14 Senate; and

15 (B) the Committee on Homeland Security,
16 the Committee on Oversight and Reform, and
17 the Committee on Small Business of the House
18 of Representatives.

19 (3) COUNCIL.—The term “Council” means the
20 Chief Acquisition Officers Council established under
21 section 1311 of title 41, United States Code.

22 (4) DEPARTMENT.—The term “Department”
23 means the Department of Homeland Security.

24 (5) HOMELAND SECURITY ENTERPRISE.—The
25 term “Homeland Security enterprise” has the mean-

1 ing given the term in section 2211(h) of the Home-
2 land Security Act of 2002 (6 U.S.C. 661(h)).

3 (6) SCORECARD.—The term “scorecard” means
4 the scorecard described in section 868(b) of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2016 (15 U.S.C. 644 note).

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of Homeland Security.

9 (8) SMALL BUSINESS.—The term “small busi-
10 ness” means—

11 (A) a qualified HUBZone small business
12 concern, a small business concern, a small busi-
13 ness concern owned and controlled by service-
14 disabled veterans, or a small business concern
15 owned and controlled by women, as those terms
16 are defined in section 3 of the Small Business
17 Act (15 U.S.C. 632);

18 (B) a small business concern owned and
19 controlled by socially and economically dis-
20 advantaged individuals, as defined in section
21 8(d)(3)(C) of the Small Business Act (15
22 U.S.C. 637(d)(3)(C)); or

23 (C) a small business concern uncondition-
24 ally owned by an economically disadvantaged
25 Indian tribe or an economically disadvantaged

1 Native Hawaiian organization that qualifies as
2 a socially and economically disadvantaged small
3 business concern, as defined in section 8(a)(4)
4 of the Small Business Act (15 U.S.C.
5 637(a)(4)).

6 (9) UNDER SECRETARY.—The term “Under
7 Secretary” means the Under Secretary for Manage-
8 ment of the Department.

9 **SEC. 4. PROCUREMENT INNOVATION LAB REPORT.**

10 (a) REPORT.—The Under Secretary shall publish an
11 annual report on a website of the Department on Procure-
12 ment Innovation Lab projects that have used innovative
13 techniques within the Department to accomplish—

14 (1) improving or encouraging better competi-
15 tion;

16 (2) reducing time to award;

17 (3) cost savings;

18 (4) better mission outcomes; or

19 (5) meeting the goals for contracts awarded to
20 small business concerns under section 15(g) of the
21 Small Business Act (15 U.S.C. 644(g)).

22 (b) EDUCATION.—The Under Secretary shall develop
23 and disseminate guidance and offer training for con-
24 tracting officers, contracting specialists, program man-
25 agers, and other personnel of the Department, as deter-

1 mined appropriate by the Under Secretary, concerning
2 when and how to use the innovative procurement tech-
3 niques of the Department.

4 (c) BEST PRACTICES.—The Under Secretary shall
5 share best practices across the Department and make
6 available to other Federal agencies information to improve
7 procurement methods and training, as determined appro-
8 priate by the Under Secretary.

9 (d) SUNSET.—This section shall cease to be effective
10 on the date that is 3 years after the date of enactment
11 of this Act.

12 **SEC. 5. COUNCIL.**

13 (a) ESTABLISHMENT.—Not later than 45 days after
14 the date of enactment of this Act, the Administrator shall
15 convene the Council to examine best practices for acquisi-
16 tion innovation in contracting in the Federal Government,
17 including small business contracting in accordance with
18 the goals established under section 15(g) of the Small
19 Business Act (15 U.S.C. 644(g)).

20 (b) WORKING GROUP.—The Council may form a
21 working group to address the requirements of this section,
22 which, if formed, shall—

23 (1) be chaired by the Administrator or a des-
24 ignee of the Administrator; and

25 (2) be composed of—

1 (A) the Chief Procurement Officer of the
2 Department;

3 (B) Council members from—

4 (i) the General Services Administra-
5 tion;

6 (ii) the Department of Defense;

7 (iii) the Department of the Treasury;

8 (iv) the Department of Veterans Af-
9 fairs;

10 (v) the Department of Health and
11 Human Services;

12 (vi) the Small Business Administra-
13 tion; and

14 (vii) such other Federal agencies as
15 determined by the chair of the Council
16 from among Federal agencies that have
17 demonstrated significant, sustained
18 progress using innovative acquisition prac-
19 tices and technologies, including for small
20 business contracting, during each of the 3
21 years preceding the date of enactment of
22 this Act; and

23 (C) other employees, as determined appro-
24 priate by the chair of the Council, of Federal
25 agencies with the requisite senior experience to

1 make recommendations to improve Federal
2 agency efficiency, effectiveness, and economy,
3 including in promoting small business con-
4 tracting.

5 (c) DUTIES OF THE COUNCIL.—The Council, or a
6 working group formed under subsection (b), shall—

7 (1) convene not later than 90 days after the
8 date of enactment of this Act and thereafter on a
9 quarterly basis until the Council submits the report
10 required under subsection (d)(1); and

11 (2) conduct outreach with the workforce and
12 the public in meeting the requirements under sub-
13 section (d)(1).

14 (d) REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Council shall
17 submit to the appropriate congressional committees
18 a report that describes—

19 (A) innovative acquisition practices and
20 applications of technologies that have worked
21 well in achieving better procurement outcomes,
22 including increased efficiency, improved pro-
23 gram outcomes, better customer experience, and
24 meeting or exceeding the goals under section
25 15(g) of the Small Business Act (15 U.S.C.

1 644(g)), and the reasons why those practices
2 have succeeded;

3 (B) steps to identify and adopt trans-
4 formational commercial business practices,
5 modernized data analytics, and advanced tech-
6 nologies that allow decision making to occur in
7 a more friction-free buying environment and
8 improve customer experience; and

9 (C) any recommendations for statutory
10 changes to accelerate the adoption of innovative
11 acquisition practices.

12 (2) BRIEFING.—Not later than 18 months after
13 the date of enactment of this Act, the Administrator
14 shall brief the appropriate congressional committees
15 on the means by which the findings and rec-
16 ommendations of the report have been disseminated
17 under paragraph (3).

18 (3) PUBLICATION AND DISSEMINATION OF RE-
19 PORT FINDINGS.—To promote more rapid adoption
20 of acquisition best practices, the Administrator
21 shall—

22 (A) publish the report required under
23 paragraph (1) on the website of the Office of
24 Management and Budget and on the Innovation
25 Hub on the Acquisition Gateway or any suc-

1 cessor Government-wide site available for in-
2 creasing awareness of resources dedicated to
3 procurement innovation; and

4 (B) encourage the head of each Federal
5 agency to maintain a site on the website of the
6 Federal agency for acquisition and contracting
7 professionals, program managers, members of
8 the public, and others as appropriate that is—

9 (i) dedicated to acquisition innovation;

10 and

11 (ii) identifies—

12 (I) resources, including the ac-
13 quisition innovation advocate and in-
14 dustry liaison of the Federal agency;

15 (II) learning assets for the work-
16 force, including the findings and rec-
17 ommendations made in the report re-
18 quired under paragraph (1);

19 (III) events to build awareness
20 and understanding of innovation ac-
21 tivities;

22 (IV) award recognition programs
23 and recent recipients; and

24 (V) upcoming plans to leverage
25 innovative practices and technologies.

1 (e) EXPERTS.—In carrying out the duties of the
2 Council under this section, the Council is encourage to
3 consult with governmental and nongovernmental experts.

4 (f) TERMINATION.—The duties of the Council as set
5 forth in this section shall terminate 30 days after the date
6 on which the Council conducts the briefing required under
7 subsection (d)(2).

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