

116TH CONGRESS
1ST SESSION

S. 3038

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 and Ms. ERNST) introduced the following bill; which
was read twice and referred to the Committee on Homeland Security and
Governmental Affairs

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
6 and Acquisitions Act of 2019” or the “PRICE Act of
7 2019”.

8 **SEC. 2. FINDINGS.**

9 Congress finds that—

1 (1) small business participation in the Federal
2 marketplace is key to ensuring a strong industrial
3 base;

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

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

15 (4) the Department has received among the
16 highest scorecard letter grades 10 years in a row
17 and is the largest Federal agency to have such a
18 track record;

19 (5) in virtually every segment of the economy of
20 the United States, including the homeland security
21 community, there are small businesses working to
22 support the mission and playing a critical role in de-
23 livering efficient and innovative solutions to the ac-
24 quisition needs of the Federal Government;

1 (6) the Procurement Innovation Lab of the De-
2 partment—

3 (A) is aimed at experimenting with innova-
4 tive acquisition techniques across the Homeland
5 Security enterprise;

6 (B) provides a forum to test new ideas,
7 share lessons learned, and promote best prac-
8 tices;

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

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

19 (7) despite progress in the adoption of new and
20 better business practices by many Federal agencies,
21 the overall adoption of modernized business practices
22 and advanced technologies across the Federal Gov-
23 ernment remains slow and uneven.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Homeland Security
8 and Governmental Affairs and the Committee
9 on Small Business and Entrepreneurship of the
10 Senate; and

11 (B) the Committee on Homeland Security,
12 the Committee on Oversight and Reform, and
13 the Committee on Small Business of the House
14 of Representatives.

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

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

20 (5) HOMELAND SECURITY ENTERPRISE.—The
21 term “Homeland Security enterprise” has the mean-
22 ing given the term in section 2211(h) of the Home-
23 land Security Act of 2002 (6 U.S.C. 661(h)).

24 (6) SCORECARD.—The term “scorecard” means
25 the scorecard described in section 868(b) of the Na-

1 tional Defense Authorization Act for Fiscal Year
2 2016 (15 U.S.C. 644 note).

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

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

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

14 (B) a small business concern owned and
15 controlled by socially and economically dis-
16 advantaged individuals, as defined in section
17 8(d)(3)(C) of the Small Business Act (15
18 U.S.C. 637(d)(3)(C)); or

19 (C) a small business concern uncondition-
20 ally owned by an economically disadvantaged
21 Indian tribe or an economically disadvantaged
22 Native Hawaiian organization that qualifies as
23 a socially and economically disadvantaged small
24 business concern, as defined in section 8(a)(4)

1 of the Small Business Act (15 U.S.C.
2 637(a)(4)).

3 (9) UNDER SECRETARY.—The term “Under
4 Secretary” means the Under Secretary for Manage-
5 ment of the Department.

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

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

11 (1) improving or encouraging better competi-
12 tion;

13 (2) reducing time to award;

14 (3) cost savings;

15 (4) better mission outcomes; or

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

19 (b) EDUCATION.—The Under Secretary shall develop
20 and disseminate guidance and offer training for con-
21 tracting officers, contracting specialists, program man-
22 agers, and other personnel of the Department, as deter-
23 mined appropriate by the Under Secretary, concerning
24 when and how to use the innovative procurement tech-
25 niques of the Department.

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

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

9 **SEC. 5. COUNCIL.**

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

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

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

22 (2) be composed of—

23 (A) the Chief Procurement Officer of the
24 Department;

25 (B) Council members from—

- 1 (i) the General Services Administra-
2 tion;
- 3 (ii) the Department of Defense;
- 4 (iii) the Department of the Treasury;
- 5 (iv) the Department of Veterans Af-
6 fairs;
- 7 (v) the Department of Health and
8 Human Services;
- 9 (vi) the Small Business Administra-
10 tion; and
- 11 (vii) such other Federal agencies as
12 determined by the chair of the Council
13 from among Federal agencies that have
14 demonstrated significant, sustained
15 progress using innovative acquisition prac-
16 tices and technologies, including for small
17 business contracting, during each of the 3
18 years preceding the date of enactment of
19 this Act; and
- 20 (C) other employees, as determined appro-
21 priate by the chair of the Council, of Federal
22 agencies with the requisite senior experience to
23 make recommendations to improve Federal
24 agency efficiency, effectiveness, and economy,

1 including in promoting small business con-
2 tracting.

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

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

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

12 (d) REPORT.—

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

17 (A) innovative acquisition practices and
18 applications of technologies that have worked
19 well in achieving better procurement outcomes,
20 including increased efficiency, improved pro-
21 gram outcomes, better customer experience, and
22 meeting or exceeding the goals under section
23 15(g) of the Small Business Act (15 U.S.C.
24 644(g)), and the reasons why those practices
25 have succeeded;

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

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

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

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

20 (A) publish the report required under
21 paragraph (1) on the website of the Office of
22 Management and Budget and on the Innovation
23 Hub on the Acquisition Gateway or any suc-
24 cessor Government-wide site available for in-

1 creasing awareness of resources dedicated to
2 procurement innovation; and

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

8 (i) dedicated to acquisition innovation;

9 and

10 (ii) identifies—

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

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

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

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

23 (V) upcoming plans to leverage
24 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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