

Calendar No. 679

111TH CONGRESS
2D SESSION**S. 2902**

To improve the Federal Acquisition Institute.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2009

Ms. COLLINS (for herself, Mrs. McCASKILL, Mr. BENNETT, Mr. AKAKA, Mr. LIEBERMAN, Mr. VOINOVICH, and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 8, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To improve the Federal Acquisition Institute.

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 “Federal Acquisition~~
5 ~~Institute Improvement Act of 2009”.~~

1 **SEC. 2. REORGANIZATION OF FEDERAL ACQUISITION IN-**
2 **STITUTE.**

3 (a) **BUDGET RESOURCES AND AUTHORITY.**—The Di-
4 rector of Office of Management and Budget and the Ad-
5 ministrator of General Services shall provide the Federal
6 Acquisition Institute (FAI) sufficient budget resources
7 and authority to support government-wide training stand-
8 ards and certification requirements necessary to enhance
9 the mobility and career opportunities of the Federal acqui-
10 sition workforce.

11 (b) **OFFICE OF FEDERAL PROCUREMENT POLICY**
12 **CONTROL OVER INSTITUTE.**—The FAI shall report
13 through its Board of Directors to the Administrator for
14 Federal Procurement Policy. The director of the FAI shall
15 be appointed by the Administrator and shall report di-
16 rectly to the Associate Administrator for Acquisition
17 Workforce.

18 (c) **ACQUISITION INTERNSHIP AND TRAINING PRO-**
19 **GRAMS.**—All Federal civilian agency acquisition internship
20 or acquisition training programs shall follow guidelines
21 provided by the Office of Federal Procurement Policy to
22 ensure consistent training standards necessary to develop
23 uniform core competencies throughout the Federal govern-
24 ment.

25 (d) **GOVERNMENT-WIDE TRAINING STANDARDS AND**
26 **CERTIFICATION REQUIREMENTS.**—The FAI shall provide

1 and update government-wide training standards and cer-
2 tification requirements, including—

3 (1) developing and modifying acquisition certifi-
4 cation programs;

5 (2) ensuring quality assurance for agency im-
6 plementation of government-wide training and cer-
7 tification standards;

8 (3) analyzing the acquisition training cur-
9 riculum to ascertain if all certification competencies
10 are covered or if adjustments are necessary;

11 (4) developing career path information for cer-
12 tified professionals to encourage retention in govern-
13 ment positions;

14 (5) coordinating with the Office of Personnel
15 Management for human capital efforts; and

16 (6) managing rotation assignments to support
17 opportunities to apply skills included in certification.

18 (c) ~~ANNUAL REPORT.~~—The Administrator for Fed-
19 eral Procurement Policy shall submit to the Committee on
20 Homeland Security and Governmental Affairs and the
21 Committee on Appropriations of the Senate and the Com-
22 mittee on Oversight and Government Reform and the
23 Committee on Appropriations of the House of Representa-
24 tives an annual report on the projected budget needs and
25 expense plans of the FAI to fulfill its mandate.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Federal Acquisition In-*
 3 *stitute Act of 2010”.*

4 **SEC. 2. ACQUISITION WORKFORCE IMPROVEMENTS.**

5 (a) *WORKFORCE IMPROVEMENTS.*—

6 (1) *IN GENERAL.*—Section 855 of the National
 7 *Defense Authorization Act for Fiscal Year 2008 (41*
 8 *U.S.C. 433a) is transferred so as to appear after sec-*
 9 *tion 37 of the Office of Federal Procurement Policy*
 10 *Act (41 U.S.C. 433), redesignated as section 37A of*
 11 *the Office of Federal Procurement Policy Act, and*
 12 *amended—*

13 (A) *in subsection (a)—*

14 (i) *by inserting after the first sentence*
 15 *the following: “The Associate Administrator*
 16 *shall be chosen on the basis of demonstrated*
 17 *knowledge and expertise in acquisition,*
 18 *human capital, and management.”;*

19 (ii) *by striking “The Associate Admin-*
 20 *istrator for Acquisition Workforce Programs*
 21 *shall be located in the Federal Acquisition*
 22 *Institute (or its successor).” and inserting*
 23 *“The Associate Administrator shall be lo-*
 24 *cated in the Office of Federal Procurement*
 25 *Policy.”;*

1 (iii) by redesignating paragraph (5) as
2 subparagraph (6);

3 (iv) in paragraph (4), by striking “;
4 and” and inserting a semicolon; and

5 (v) by inserting after paragraph (4)
6 the following new paragraph:

7 “(5) implementing workforce programs under
8 subsections (f) through (i) of section 37; and”; and

9 (B) by striking subsection (h) and inserting
10 the following new subsections:

11 “(h) *FEDERAL ACQUISITION INSTITUTE.*—

12 “(1) *IN GENERAL.*—There is established a Fed-
13 eral Acquisition Institute (FAI) in order to—

14 “(A) foster and promote the development of
15 a professional acquisition workforce Government-
16 wide;

17 “(B) promote and coordinate Government-
18 wide research and studies to improve the pro-
19 curement process and the laws, policies, methods,
20 regulations, procedures, and forms relating to ac-
21 quisition by the executive agencies;

22 “(C) collect data and analyze acquisition
23 workforce data from the Office of Personnel Man-
24 agement, the heads of executive agencies, and,

1 *through periodic surveys, from individual em-*
 2 *ployees;*

3 *“(D) periodically analyze acquisition career*
 4 *fields to identify critical competencies, duties,*
 5 *tasks, and related academic prerequisites, skills,*
 6 *and knowledge;*

7 *“(E) coordinate and assist agencies in iden-*
 8 *tifying and recruiting highly qualified can-*
 9 *didates for acquisition fields;*

10 *“(F) develop instructional materials for ac-*
 11 *quisition personnel in coordination with private*
 12 *and public acquisition colleges and training fa-*
 13 *cilities;*

14 *“(G) evaluate the effectiveness of training*
 15 *and career development programs for acquisition*
 16 *personnel;*

17 *“(H) promote the establishment and utiliza-*
 18 *tion of academic programs by colleges and uni-*
 19 *versities in acquisition fields;*

20 *“(I) facilitate, to the extent requested by*
 21 *agencies, interagency intern and training pro-*
 22 *grams; and*

23 *“(J) perform other career management or*
 24 *research functions as directed by the Adminis-*
 25 *trator.*

1 “(2) *BUDGET RESOURCES AND AUTHORITY.*—

2 “(A) *IN GENERAL.*—*The Director of the Of-*
 3 *fice of Management and Budget and the Admin-*
 4 *istrator of General Services shall provide the*
 5 *Federal Acquisition Institute with the necessary*
 6 *budget resources and authority to support gov-*
 7 *ernment-wide training standards and certifi-*
 8 *cation requirements necessary to enhance the mo-*
 9 *bility and career opportunities of the Federal ac-*
 10 *quisition workforce.*

11 “(B) *ACQUISITION WORKFORCE TRAINING*
 12 *FUND.*—*Subject to the availability of funds, the*
 13 *Administer of General Services shall provide the*
 14 *Federal Acquisition Institute with amounts from*
 15 *the acquisition workforce training fund estab-*
 16 *lished under section 37(h)(3) sufficient to meet*
 17 *the annual budget for the Federal Acquisition*
 18 *Institute requested by the Administrator for Fed-*
 19 *eral Procurement Policy.*

20 “(3) *FEDERAL ACQUISITION INSTITUTE BOARD*
 21 *OF DIRECTORS.*—

22 “(A) *REPORTING TO ADMINISTRATOR.*—*The*
 23 *Federal Acquisition Institute shall report*
 24 *through its Board of Directors directly to the Ad-*
 25 *ministrator for Federal Procurement Policy.*

1 “(B) *COMPOSITION.*—*The Board shall be*
 2 *composed of not more than 8 individuals from*
 3 *the Federal Government representing a mix of*
 4 *acquisition functional areas, all of whom shall be*
 5 *appointed by the Administrator.*

6 “(C) *DUTIES.*—*The Board shall provide*
 7 *general direction to the Federal Acquisition In-*
 8 *stitute to ensure that the Institute—*

9 “(i) *meets its statutory requirements;*

10 “(ii) *meets the needs of the Federal ac-*
 11 *quisition workforce;*

12 “(iii) *implements appropriate pro-*
 13 *grams;*

14 “(iv) *coordinates with appropriate or-*
 15 *ganizations and groups that have an im-*
 16 *pact on the Federal acquisition workforce;*

17 “(v) *develops and implements plans to*
 18 *meet future challenges of the Federal acqui-*
 19 *sition workforce; and*

20 “(vi) *works closely with the Defense*
 21 *Acquisition University.*

22 “(D) *RECOMMENDATIONS.*—*The Board shall*
 23 *make recommendations to the Administrator re-*
 24 *garding the development and execution of the an-*
 25 *nual budget of the Federal Acquisition Institute.*

1 “(4) *DIRECTOR.*—*The Director of the Federal*
 2 *Acquisition Institute shall be appointed by, and re-*
 3 *port directly to, the Administrator.*

4 “(i) *GOVERNMENT-WIDE TRAINING STANDARDS AND*
 5 *CERTIFICATION.*—*The Administrator for Federal Procure-*
 6 *ment Policy, acting through the Federal Acquisition Insti-*
 7 *tute, shall provide and update government-wide training*
 8 *standards and certification requirements, including—*

9 “(1) *developing and modifying acquisition cer-*
 10 *tification programs;*

11 “(2) *ensuring quality assurance for agency im-*
 12 *plementation of government-wide training and certifi-*
 13 *cation standards;*

14 “(3) *analyzing the acquisition training cur-*
 15 *riculum to ascertain if all certification competencies*
 16 *are covered or if adjustments are necessary;*

17 “(4) *developing career path information for cer-*
 18 *tified professionals to encourage retention in govern-*
 19 *ment positions;*

20 “(5) *coordinating with the Office of Personnel*
 21 *Management for human capital efforts; and*

22 “(6) *managing rotation assignments to support*
 23 *opportunities to apply skills included in certification.*

24 “(j) *ACQUISITION INTERNSHIP AND TRAINING PRO-*
 25 *GRAMS.*—*All Federal civilian agency acquisition internship*

1 *or acquisition training programs shall follow guidelines*
 2 *provided by the Office of Federal Procurement Policy to en-*
 3 *sure consistent training standards necessary to develop uni-*
 4 *form core competencies throughout the Federal Government.*

5 “(k) *ANNUAL REPORT.*—*The Administrator shall sub-*
 6 *mit to the Committee on Homeland Security and Govern-*
 7 *mental Affairs and the Committee on Appropriations of the*
 8 *Senate and the Committee on Oversight and Government*
 9 *Reform and the Committee on Appropriations of the House*
 10 *of Representatives an annual report on the projected budget*
 11 *needs and expense plans of the FAI to fulfill its mandate.*

12 “(l) *CHIEF ACQUISITION OFFICER DEFINED.*—*In this*
 13 *section, the term ‘Chief Acquisition Officer’ means a Chief*
 14 *Acquisition Officer for an executive agency appointed pur-*
 15 *suant to section 16.”.*

16 (2) *EXPANDED SCOPE OF ACQUISITION WORK-*
 17 *FORCE TRAINING FUND.*—*Section 37(h)(3) of the Of-*
 18 *fice of Federal Procurement Policy Act (41 U.S.C.*
 19 *433(h)(3)) is amended—*

20 (A) *in subparagraph (A), by striking “to*
 21 *support the training of the acquisition workforce*
 22 *of the executive agencies” and inserting “to sup-*
 23 *port the activities set forth in section 37A(h)(1)”;*
 24 *and*

1 (B) in subparagraph (E), by striking “en-
2 sure that funds collected for training under this
3 section are not used for any purpose other than
4 the purpose specified in subparagraph (A)” and
5 inserting “ensure that funds collected under this
6 section are not used for any purpose other than
7 the activities set forth in section 37A(h)(1)”.

8 (b) *CONFORMING AMENDMENT.*—Section 6(d)(5) of the
9 Office of Federal Procurement Policy Act (41 U.S.C.
10 405(d)(5)) is amended to read as follows:

11 “(5) providing for and directing the activities of
12 the Federal Acquisition Institute established under
13 section 37A, including recommending to the Adminis-
14 trator of General Services a sufficient budget for such
15 activities;”.

16 (c) *RULE OF CONSTRUCTION.*—Nothing in this section,
17 or the amendments made by this section, shall be construed
18 to preclude the Secretary of Defense from establishing acqui-
19 sition workforce policies, procedures, training standards,
20 and certification requirements for acquisition positions in
21 the Department of Defense, as provided in chapter 87 of
22 title 10, United States Code.

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