

Calendar No. 80

117TH CONGRESS
1ST SESSION**S. 583****[Report No. 117–26]**

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

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2021

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

JUNE 21, 2021

Reported by Mr. PETERS, with amendments

[Omit the part struck through and insert the part printed in *italie*]**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 2021” or the “PRICE Act of
2 2021”.

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~~ *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~~ ENTER-
 25 PRISE.—The term “Homeland Security ~~enterprise~~

1 *Enterprise*” has the meaning given the term in sec-
 2 tion 2211(h) of the Homeland Security Act of 2002
 3 (6 U.S.C. 661(h)).

4 (6) SCORECARD.—The term “scorecard” means
 5 the scorecard described in section 868(b) of the Na-
 6 tional Defense Authorization Act for Fiscal Year
 7 2016 (15 U.S.C. 644 note).

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

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

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

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

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

1 Indian tribe or an economically disadvantaged
 2 Native Hawaiian organization that qualifies as
 3 a socially and economically disadvantaged small
 4 business concern, as defined in section 8(a)(4)
 5 of the Small Business Act (15 U.S.C.
 6 637(a)(4)).

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

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

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

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

17 (2) reducing time to award;

18 (3) cost savings;

19 (4) better mission outcomes; or

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

23 (b) EDUCATION.—The Under Secretary shall develop
 24 and disseminate guidance and offer training for con-
 25 tracting officers, contracting specialists, program man-

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

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

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

13 **SEC. 5. COUNCIL.**

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

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

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

1 (2) be composed of—

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

4 (B) Council members from—

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

7 (ii) the Department of Defense;

8 (iii) the Department of the Treasury;

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

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

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

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

24 (C) other employees, as determined appro-
25 priate by the chair of the Council, of Federal

1 agencies with the requisite senior experience to
2 make recommendations to improve Federal
3 agency efficiency, effectiveness, and economy,
4 including in promoting small business con-
5 tracting.

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

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

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

15 (d) REPORT.—

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

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

1 15(g) of the Small Business Act (15 U.S.C.
2 644(g)), and the reasons why those practices
3 have succeeded;

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

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

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

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

23 (A) publish the report required under
24 paragraph (1) on the website of the Office of
25 Management and Budget and on the Innovation

1 Hub on the Acquisition Gateway or any suc-
2 cessor Government-wide site available for in-
3 creasing awareness of resources dedicated to
4 procurement innovation; and

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

10 (i) dedicated to acquisition innovation;

11 and

12 (ii) identifies—

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

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

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

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

1 (V) upcoming plans to leverage
2 innovative practices and technologies.

3 (e) EXPERTS.—In carrying out the duties of the
4 Council under this section, the Council is ~~encourage~~ *en-*
5 *couraged* to consult with governmental and nongovern-
6 mental experts.

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

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