

117TH CONGRESS
1ST SESSION

S. 583

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting Rigorous
3 and Innovative Cost Efficiencies for Federal Procurement
4 and Acquisitions Act of 2021” or the “PRICE Act of
5 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) small business participation in the Federal
9 marketplace is key to ensuring a strong industrial
10 base;

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

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

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

1 (5) in virtually every segment of the economy of
2 the United States, including the homeland security
3 community, there are small businesses working to
4 support the mission and playing a critical role in de-
5 livering efficient and innovative solutions to the ac-
6 quisition needs of the Federal Government;

7 (6) the Procurement Innovation Lab of the De-
8 partment—

9 (A) is aimed at experimenting with innova-
10 tive acquisition techniques across the Homeland
11 Security Enterprise;

12 (B) provides a forum to test new ideas,
13 share lessons learned, and promote best prac-
14 tices;

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

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

1 (7) despite progress in the adoption of new and
2 better business practices by many Federal agencies,
3 the overall adoption of modernized business practices
4 and advanced technologies across the Federal Gov-
5 ernment remains slow and uneven.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

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

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Homeland Security
15 and Governmental Affairs and the Committee
16 on Small Business and Entrepreneurship of the
17 Senate; and

18 (B) the Committee on Homeland Security,
19 the Committee on Oversight and Reform, and
20 the Committee on Small Business of the House
21 of Representatives.

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

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

3 (5) HOMELAND SECURITY ENTERPRISE.—The
4 term “Homeland Security Enterprise” has the
5 meaning given the term in section 2211(h) of the
6 Homeland Security Act of 2002 (6 U.S.C. 661(h)).

7 (6) SCORECARD.—The term “scorecard” means
8 the scorecard described in section 868(b) of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2016 (15 U.S.C. 644 note).

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

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

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

22 (B) a small business concern owned and
23 controlled by socially and economically dis-
24 advantaged individuals, as defined in section

1 8(d)(3)(C) of the Small Business Act (15
2 U.S.C. 637(d)(3)(C)); or

3 (C) a small business concern uncondition-
4 ally owned by an economically disadvantaged
5 Indian tribe or an economically disadvantaged
6 Native Hawaiian organization that qualifies as
7 a socially and economically disadvantaged small
8 business concern, as defined in section 8(a)(4)
9 of the Small Business Act (15 U.S.C.
10 637(a)(4)).

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

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

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

19 (1) improving or encouraging better competi-
20 tion;

21 (2) reducing time to award;

22 (3) cost savings;

23 (4) better mission outcomes; or

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

4 (b) EDUCATION.—The Under Secretary shall develop
5 and disseminate guidance and offer training for con-
6 tracting officers, contracting specialists, program man-
7 agers, and other personnel of the Department, as deter-
8 mined appropriate by the Under Secretary, concerning
9 when and how to use the innovative procurement tech-
10 niques of the Department.

11 (c) BEST PRACTICES.—The Under Secretary shall
12 share best practices across the Department and make
13 available to other Federal agencies information to improve
14 procurement methods and training, as determined appro-
15 priate by the Under Secretary.

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

19 **SEC. 5. COUNCIL.**

20 (a) ESTABLISHMENT.—Not later than 45 days after
21 the date of enactment of this Act, the Administrator shall
22 convene the Council to examine best practices for acquisi-
23 tion innovation in contracting in the Federal Government,
24 including small business contracting in accordance with

1 the goals established under section 15(g) of the Small
2 Business Act (15 U.S.C. 644(g)).

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

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

8 (2) be composed of—

9 (A) the Chief Procurement Officer of the
10 Department;

11 (B) Council members from—

12 (i) the General Services Administra-
13 tion;

14 (ii) the Department of Defense;

15 (iii) the Department of the Treasury;

16 (iv) the Department of Veterans Af-
17 fairs;

18 (v) the Department of Health and
19 Human Services;

20 (vi) the Small Business Administra-
21 tion; and

22 (vii) such other Federal agencies as
23 determined by the chair of the Council
24 from among Federal agencies that have
25 demonstrated significant, sustained

1 progress using innovative acquisition prac-
2 tices and technologies, including for small
3 business contracting, during each of the 3
4 years preceding the date of enactment of
5 this Act; and

6 (C) other employees, as determined appro-
7 priate by the chair of the Council, of Federal
8 agencies with the requisite senior experience to
9 make recommendations to improve Federal
10 agency efficiency, effectiveness, and economy,
11 including in promoting small business con-
12 tracting.

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

15 (1) convene not later than 90 days after the
16 date of enactment of this Act and thereafter on a
17 quarterly basis until the Council submits the report
18 required under subsection (d)(1); and

19 (2) conduct outreach with the workforce and
20 the public in meeting the requirements under sub-
21 section (d)(1).

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Council shall

1 submit to the appropriate congressional committees
2 a report that describes—

3 (A) innovative acquisition practices and
4 applications of technologies that have worked
5 well in achieving better procurement outcomes,
6 including increased efficiency, improved pro-
7 gram outcomes, better customer experience, and
8 meeting or exceeding the goals under section
9 15(g) of the Small Business Act (15 U.S.C.
10 644(g)), and the reasons why those practices
11 have succeeded;

12 (B) steps to identify and adopt trans-
13 formational commercial business practices,
14 modernized data analytics, and advanced tech-
15 nologies that allow decision making to occur in
16 a more friction-free buying environment and
17 improve customer experience; and

18 (C) any recommendations for statutory
19 changes to accelerate the adoption of innovative
20 acquisition practices.

21 (2) BRIEFING.—Not later than 18 months after
22 the date of enactment of this Act, the Administrator
23 shall brief the appropriate congressional committees
24 on the means by which the findings and rec-

1 ommendations of the report have been disseminated
2 under paragraph (3).

3 (3) PUBLICATION AND DISSEMINATION OF RE-
4 PORT FINDINGS.—To promote more rapid adoption
5 of acquisition best practices, the Administrator
6 shall—

7 (A) publish the report required under
8 paragraph (1) on the website of the Office of
9 Management and Budget and on the Innovation
10 Hub on the Acquisition Gateway or any suc-
11 cessor Government-wide site available for in-
12 creasing awareness of resources dedicated to
13 procurement innovation; and

14 (B) encourage the head of each Federal
15 agency to maintain a site on the website of the
16 Federal agency for acquisition and contracting
17 professionals, program managers, members of
18 the public, and others as appropriate that is—

19 (i) dedicated to acquisition innovation;

20 and

21 (ii) identifies—

22 (I) resources, including the ac-
23 quisition innovation advocate and in-
24 dustry liaison of the Federal agency;

1 (II) learning assets for the work-
2 force, including the findings and rec-
3 ommendations made in the report re-
4 quired under paragraph (1);

5 (III) events to build awareness
6 and understanding of innovation ac-
7 tivities;

8 (IV) award recognition programs
9 and recent recipients; and

10 (V) upcoming plans to leverage
11 innovative practices and technologies.

12 (e) EXPERTS.—In carrying out the duties of the
13 Council under this section, the Council is encouraged to
14 consult with governmental and nongovernmental experts.

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

Passed the Senate July 29, 2021.

Attest:

Secretary.

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