

107TH CONGRESS
2D SESSION

H. R. 4629

To amend the Office of Federal Procurement Policy Act to establish a program to encourage and support carrying out innovative proposals to enhance homeland security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2002

Mr. TOM DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend the Office of Federal Procurement Policy Act to establish a program to encourage and support carrying out innovative proposals to enhance homeland security, 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. PROGRAM TO ENCOURAGE AND SUPPORT IN-**
4 **NOVATIVE SOLUTIONS TO ENHANCE HOME-**
5 **LAND SECURITY.**

6 (a) ESTABLISHMENT OF PROGRAM.—The Office of
7 Federal Procurement Policy Act (41 U.S.C. et seq.) is
8 amended by adding at the end the following new section:

1 **“SEC. 40. PROGRAM TO ENCOURAGE INNOVATIVE SOLU-**
2 **TIONS TO ENHANCE HOMELAND SECURITY.**

3 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
4 trator shall establish and promote a Governmentwide pro-
5 gram to encourage and recognize contractor innovation
6 and excellence in facilitating the defense of the United
7 States against, or recovery from, terrorism or nuclear, bio-
8 logical, chemical, or radiological attack.

9 “(b) ISSUANCE OF AGENCY ANNOUNCEMENTS SEEK-
10 ING INNOVATIVE SOLUTIONS.—Under the program, the
11 Administrator, in consultation with the Director of the Of-
12 fice of Homeland Security, the Associate Director for In-
13 formation Technology and E-Government of the Office of
14 Management and Budget, and the Secretaries of Defense,
15 Energy, Commerce, Transportation, and the Treasury,
16 shall issue agency announcements seeking unique and in-
17 novative solutions to advance the defense of the United
18 States against, or recovery from, terrorism or nuclear, bio-
19 logical, chemical, or radiological attack.

20 “(c) MULTIAGENCY TECHNICAL ASSISTANCE
21 TEAM.—(1) The Administrator, in consultation with the
22 individuals described in subsection (b), shall convene a
23 multiagency technical assistance team to assist in screen-
24 ing proposals submitted to the Administrator to provide
25 unique and innovative solutions to advance the defense of
26 the United States against, or recovery from, terrorism or

1 nuclear, biological, chemical, or radiological attack. The
2 team shall be composed of employees of the participating
3 agencies who have expertise in scientific and technical dis-
4 ciplines that would facilitate the assessment of the feasi-
5 bility of the proposals.

6 “(2) The technical assistance team shall—

7 “(A) assess the feasibility, scientific and tech-
8 nical merits, and estimated cost of each proposal;
9 and

10 “(B) submit each proposal, and the assessment
11 of the proposal, to each executive agency whose mis-
12 sion most coincides with the subject matter of the
13 proposal.

14 “(3) The technical assistance team shall not consider
15 or evaluate proposals submitted in response to a solicita-
16 tion for offers for a pending procurement or for a specific
17 agency requirement.

18 “(d) MONETARY AWARDS FOR INNOVATIVE SOLU-
19 TIONS.—(1) Under the program carried out under this
20 section, the Administrator shall provide monetary awards
21 in recognition of unique and innovative solutions with the
22 potential to significantly advance the defense of the United
23 States against, or recovery from, terrorism or nuclear, bio-
24 logical, chemical, or radiological attack.

1 “(2) The Administrator shall use a competitive proc-
2 ess to select recipients of monetary awards under this sub-
3 section which shall include the widely advertised solicita-
4 tion (including the agency announcements described in
5 subsection (b)) of descriptive submissions on technology
6 developments and prototypes, the substance of which are
7 not otherwise available to the United States. The Adminis-
8 trator shall work with the multiagency technical assistance
9 team described in subsection (c) in carrying out the com-
10 petitive selection process.

11 “(3) An award made under this subsection may not
12 exceed \$20,000. The total amount of awards made under
13 this subsection in a fiscal year may not exceed \$500,000.

14 “(4) At least one quarter of the total amount award-
15 ed under this subsection during a fiscal year shall be
16 awarded to small business concerns, within the meaning
17 of such term as used in the Small Business Act (15 U.S.C.
18 632 et seq.).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 at the beginning of such Act is amended by adding at the
21 end the following new item:

“Sec. 40. Program to encourage innovative solutions to enhance homeland secu-
rity.”.

1 **SEC. 2. PILOT PROGRAM TO ENCOURAGE INNOVATIVE**
2 **COMMERCIAL SOLUTIONS.**

3 (a) PILOT PROGRAM.—The Administrator of the Of-
4 fice of Federal Procurement Policy shall, in consultation
5 with the Assistant to the President for Homeland Secu-
6 rity, establish a pilot program under which the Secretaries
7 of Defense, Energy, Commerce, Transportation, and the
8 Treasury may—

9 (1) test the innovative use of streamlined acqui-
10 sition authorities and procedures authorized by law,
11 with emphasis on provisions authorizing the rapid
12 acquisition of goods and services; and

13 (2) test the feasibility of rapidly entering into
14 contracts with private entities to carry out imme-
15 diate solutions to key homeland security needs using,
16 to the maximum extent practicable, commercial, off-
17 the-shelf items and commercially available services.

18 (b) USE OF STREAMLINED ACQUISITION AUTHORI-
19 TIES.—Under the pilot program, the head of an executive
20 agency referred to in subsection (a) shall, if appropriate,
21 use streamlined acquisition authorities and procedures au-
22 thorized by law, including authorities and procedures that
23 are provided under the following provisions:

24 (1) In title III of the Federal Property and Ad-
25 ministrative Services Act of 1949:

1 (A) Paragraphs (1), (2), (6), and (7) of
 2 subsection (c) of section 303 (41 U.S.C. 253),
 3 relating to use of procedures other than com-
 4 petitive procedures under certain circumstances
 5 (subject to subsection (e) of such section).

6 (B) Section 303J (41 U.S.C. 253j), relat-
 7 ing to orders under task and delivery order con-
 8 tracts.

9 (2) In chapter 137 of title 10, United States
 10 Code:

11 (A) Paragraphs (1), (2), (6), and (7) of
 12 subsection (c) of section 2304, relating to use
 13 of procedures other than competitive procedures
 14 under certain circumstances (subject to sub-
 15 section (e) of such section).

16 (B) Section 2304c, relating to orders
 17 under task and delivery order contracts.

18 (3) Paragraphs (1)(B), (1)(D), and (2) of sec-
 19 tion 18(c) of the Office of Federal Procurement Pol-
 20 icy Act (41 U.S.C. 416(c)), relating to inapplica-
 21 bility of a requirement for procurement notice.

22 (c) WAIVER OF REQUIREMENTS.—(1) To carry out
 23 the pilot program under this section, the head of an agen-
 24 cy may waive—

1 (A) any provision of the Federal Acquisition
2 Regulation that is not required by statute; and

3 (B) any provision of the Federal Acquisition
4 Regulation that is required by a provision of law de-
5 scribed in paragraph (2), the waiver of which the
6 head of the agency determines in writing to be nec-
7 essary to carry out the pilot program.

8 (2) The provisions of law referred to in paragraph
9 (1) are as follows:

10 (A) Section 18 of the Office of Federal Pro-
11 curement Policy Act (41 U.S.C. 416).

12 (B) Subsections (e), (f), and (g) of section 8 of
13 the Small Business Act (15 U.S.C. 637).

14 (d) LIMITATIONS.—(1) The head of an agency au-
15 thorized to participate in the pilot program may carry out
16 not more than one project under the program and may
17 enter into not more than three contracts to carry out the
18 project.

19 (2) A project carried out under this section shall be
20 approved by the Administrator in consultation with the
21 Assistant to the President for Homeland Security and the
22 multiagency technical assistance team established under
23 section 40(c) of the Office of Federal Procurement Policy
24 Act (as added by section 1).

1 (e) CRITERIA FOR EVALUATING RESULTS.—The
2 head of an agency participating in the pilot program under
3 this section shall establish measurable mission-related cri-
4 teria for evaluating the results of a project under the pro-
5 gram. Such agency head shall, as soon as practicable after
6 the completion of the project, report to the Administrator
7 on the lessons learned from the project. The Administrator
8 shall share the results of, and reports on, all the projects
9 carried out under this section with the heads of other
10 agencies that carry out responsibilities with respect to
11 homeland security.

12 (f) PROHIBITION AGAINST DISCRIMINATION AGAINST
13 SMALL BUSINESS CONCERNS.—This section shall be ap-
14 plied in a manner that does not discriminate against small
15 business concerns (within the meaning of such term as
16 used in the Small Business Act (15 U.S.C. 632 et seq.))
17 or any type of small business concern.

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