

103^D CONGRESS
1ST SESSION

H. R. 2454

To increase the efficiency of Government procurement.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1993

Mr. MACHTLEY introduced the following bill; which was referred jointly to the
Committees on Government Operations and the Judiciary

A BILL

To increase the efficiency of Government procurement.

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 “Procurement Effi-
5 ciency Act of 1993”.

6 **SEC. 2. ON-LINE DATA BASE OF FEDERAL PROCUREMENT**
7 **OPPORTUNITIES.**

8 (a) ESTABLISHMENT OF DATA BASE.—Section 18 of
9 the Office of Federal Procurement Policy Act (41 U.S.C.
10 416) is amended by adding at the end the following:

11 “(e)(1) The Secretary of Commerce shall establish a
12 computerized data base of information regarding—

1 “(A) procurements to be conducted by executive
2 agencies; and

3 “(B) subcontracts to be awarded pursuant to
4 those procurements.

5 “(2) The data base established under this subsection
6 shall—

7 “(A) include information that is substantially
8 the same as the information relating to procure-
9 ments by executive agencies that is published in the
10 Commerce Business Daily;

11 “(B) include the notices furnished to the Sec-
12 retary of Commerce under subsection (a)(1)(A); and

13 “(C) make that information and those notices
14 publicly available to on-line users of the data base.”.

15 (b) IMPLEMENTATION.—The Secretary of Commerce
16 shall establish and make publicly available the data base
17 required by the amendment made by subsection (a) by not
18 later than 1 year after the date of the enactment of this
19 Act.

20 (c) CONFORMING AMENDMENT.—Section 18(a)(2) of
21 the Office of Federal Procurement Policy Act (41 U.S.C.
22 416(a)(2)) is amended by inserting after “Daily” the fol-
23 lowing: “, and include promptly in the data base estab-
24 lished under subsection (e),”.

1 **SEC. 3. IDENTIFICATION OF CONTRACTORS IN EXECUTIVE**
2 **AGENCY PROCUREMENT RECORDS; SHARING**
3 **OF PROCUREMENT RECORDS BY EXECUTIVE**
4 **AGENCIES.**

5 Section 19 of the Office of Federal Procurement Pol-
6 icy Act (41 U.S.C. 417) is amended—

7 (1) in subsection (b)(1)(B) by inserting before
8 the semicolon the following: “, including the tax-
9 payer identification number of the source”; and

10 (2) by adding at the end the following:

11 “(e) Each executive agency shall make all records es-
12 tablished and maintained under this section readily avail-
13 able to all other executive agencies.”.

14 **SEC. 4. INCREASE IN SMALL PURCHASE THRESHOLD.**

15 (a) INCREASE IN SMALL PURCHASE THRESHOLD.—
16 Section 4(11) of the Office of Federal Procurement Policy
17 Act (41 U.S.C. 403(11)) is amended by striking
18 “\$25,000” each place it appears and inserting
19 “\$100,000”.

20 (b) REQUIREMENT OF PROCUREMENT NOTICES FOR
21 ALL COMPETITIVE PROCUREMENTS.—Section 18(a)(2) of
22 the Office of Federal Procurement Policy Act (41 U.S.C.
23 416(a)(2)) is amended by striking “for a price expected
24 to exceed the small purchase threshold”.

1 **SEC. 5. CLARIFICATION OF AUTHORITY FOR PROCURE-**
2 **MENT REGULATIONS.**

3 Section 16 of the Office of Federal Procurement Pol-
4 icy Act (41 U.S.C. 414) is amended—

5 (1) in paragraph (3) by striking “and” after
6 the semicolon;

7 (2) in paragraph (4) by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(5) include in each regulation governing pro-
11 curement that is issued by the agency a citation of
12 the specific statutory authority for the regulation.”.

13 **SEC. 6. REPRESENTATION OF SMALL BUSINESS ADMINIS-**
14 **TRATION ON COST ACCOUNTING STANDARDS**
15 **BOARD.**

16 Section 20(a)(1) of the Office of Federal Procure-
17 ment Policy Act (41 U.S.C. 422(a)(1)) is amended—

18 (1) in the matter preceding subparagraph (A)—

19 (A) by striking “5” and inserting “6”; and

20 (B) by striking “4” and inserting “5”; and

21 (2) in subparagraph (A)—

22 (A) in the matter preceding clause (i) by
23 striking “two” and inserting “3”;

24 (B) in clause (i) by striking “and” after
25 the semicolon; and

1 (C) by inserting after clause (ii) the follow-
2 ing:

3 “(iii) one of whom shall be a representative
4 of the Small Business Administration appointed
5 by the Administrator of the Small Business
6 Administration; and”.

7 **SEC. 7. RULES OPPOSED BY SBA CHIEF COUNSEL FOR AD-**
8 **VOCACY.**

9 (a) IN GENERAL.—Section 612 of title 5, United
10 States Code, is amended by adding at the end the follow-
11 ing new subsection:

12 “(d) STATEMENT OF OPPOSITION.—

13 “(1) TRANSMITTAL OF PROPOSED RULES AND
14 INITIAL REGULATORY FLEXIBILITY ANALYSIS TO
15 SBA CHIEF COUNSEL FOR ADVOCACY.—On or before
16 the 30th day preceding the date of publication by an
17 agency of general notice of proposed rulemaking for
18 a rule, including a rule relating to procurement, the
19 agency shall transmit to the Chief Counsel for Advoca-
20 cacy of the Small Business Administration—

21 “(A) a copy of the proposed rule; and

22 “(B)(i) a copy of the initial regulatory
23 flexibility analysis for the rule if required under
24 section 603; or

1 “(ii) a determination by the agency that an
2 initial regulatory flexibility analysis is not re-
3 quired for the proposed rule under section 603
4 and an explanation for the determination.

5 “(2) STATEMENT OF OPPOSITION.—On or be-
6 fore the 15th day following receipt of a proposed
7 rule and initial regulatory flexibility analysis from an
8 agency under paragraph (1), the Chief Counsel for
9 Advocacy may transmit to the agency a written
10 statement of opposition of the proposed rule.

11 “(3) RESPONSE.—If the Chief Counsel for Ad-
12 vocacy transmits to an agency a statement of opposi-
13 tion to a proposed rule in accordance with para-
14 graph (2), the agency shall publish the statement,
15 together with the response of the agency to the
16 statement, in the Federal Register at the time of
17 publication of general notice of proposed rulemaking
18 for the rule.”.

19 (b) CONFORMING AMENDMENT.—Section 603(a) of
20 title 5, United States Code, is amended by inserting “in
21 accordance with section 612(d)” before the period at the
22 end of the last sentence.

1 **SEC. 8. REVIEW OF DEVIATIONS FROM PROCUREMENT NO-**
2 **TICE REQUIREMENT.**

3 (a) REVIEW REQUIREMENT.—Section 18 of the Of-
4 fice of Federal Procurement Policy Act (41 U.S.C. 416)
5 is amended by adding at the end the following new sub-
6 section:

7 “(e)(1) In the case of any procurement for which a
8 notice is not required under subsection (a)(1) by reason
9 of subsection (c), the head of the executive agency intend-
10 ing to conduct the procurement shall, before issuing the
11 solicitation for the procurement, submit to the Adminis-
12 trator of Federal Procurement Policy the justification for
13 not furnishing the notice. The Administrator of Federal
14 Procurement Policy shall, before the issuance of the solici-
15 tation for the procurement, review the justification to en-
16 sure that it is appropriate and reasonable.

17 “(2) At least once every 5 years, the Administrator
18 of Federal Procurement Policy shall review the justifica-
19 tions submitted under paragraph (1). In conducting the
20 review, the Administrator shall concentrate on those jus-
21 tifications that have been submitted by the same executive
22 agency, for the same type of procurements, in each of the
23 5 years covered by the review, to ensure that such jus-
24 tifications continue to be appropriate and reasonable.”.

25 (b) EFFECTIVE DATE.—Subsection (e) of section 18
26 of the Office of Federal Procurement Policy Act shall

- 1 apply with respect to solicitations for procurements issued
- 2 after the 30-day period beginning on the date of the enact-
- 3 ment of this Act.

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