

104TH CONGRESS
1ST SESSION

H. R. 1770

To amend the Office of Federal Procurement Policy Act to improve the acquisition workforce of civilian Federal agencies.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mrs. MALONEY introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend the Office of Federal Procurement Policy Act to improve the acquisition workforce of civilian Federal agencies.

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 “Civilian Agency Acqui-
5 sition Workforce Improvement Act”.

6 **SEC. 2. ACQUISITION WORKFORCE.**

7 The Office of Federal Procurement Policy Act (41
8 U.S.C. 401 et seq.) is amended by adding at the end the
9 following new section:

1 **“SEC. 35. ACQUISITION WORKFORCE.**

2 “(a) APPLICABILITY.—This section does not apply to
3 an executive agency that is subject to chapter 87 of title
4 10, United States Code.

5 “(b) MANAGEMENT POLICIES.—

6 “(1) POLICIES AND PROCEDURES.—The head
7 of each executive agency, after consultation with the
8 Administrator for Federal Procurement Policy, shall
9 establish policies and procedures for the effective
10 management (including accession, education, train-
11 ing, career development, and performance incentives)
12 of the acquisition workforce of the agency. The de-
13 velopment of acquisition workforce policies under
14 this section shall be carried out consistent with the
15 merit system principles set forth in paragraphs (1)
16 and (2) of section 2301(b) of title 5, United States
17 Code.

18 “(2) UNIFORM IMPLEMENTATION.—The head
19 of each executive agency shall ensure that, to the
20 maximum extent practicable, acquisition workforce
21 policies and procedures established are uniform in
22 their implementation throughout the agency.

23 “(3) GOVERNMENTWIDE POLICIES AND EVAL-
24 UATION.—The Administrator shall issue policies to
25 promote uniform implementation of this section by
26 executive agencies, with due regard for differences in

1 program requirements among agencies that may be
2 appropriate and warranted in view of the agency
3 mission. The Administrator shall evaluate the imple-
4 mentation of the provisions of this section by execu-
5 tive agencies.

6 “(c) SENIOR PROCUREMENT EXECUTIVE AUTHORI-
7 TIES AND RESPONSIBILITIES.—Subject to the authority,
8 direction, and control of the head of an executive agency,
9 the senior procurement executive of the agency shall carry
10 out all powers, functions, and duties of the head of the
11 agency with respect to implementation of this section. The
12 senior procurement executive shall ensure that the policies
13 of the head of the executive agency established in accord-
14 ance with this section are implemented throughout the
15 agency.

16 “(d) MANAGEMENT INFORMATION SYSTEMS.—The
17 Administrator shall ensure that the heads of executive
18 agencies collect and maintain standardized information on
19 the acquisition workforce related to implementation of this
20 section. To the maximum extent practicable, such data re-
21 quirements shall conform to standards established by the
22 Office of Personnel Management for the Central Personnel
23 Data File.

24 “(e) ACQUISITION WORKFORCE.—The programs es-
25 tablished by this section shall apply to all employees in

1 the General Schedule Contracting series (GS-1102) and
2 the General Schedule Purchasing series (GS-1105), and
3 to any employees regardless of series who have been ap-
4 pointed as contracting officers whose authority exceeds the
5 micro-purchase threshold, as that term is defined in sec-
6 tion 32(g). The head of each executive agency may include
7 employees in other series who perform acquisition or ac-
8 quisition-related functions.

9 “(f) CAREER DEVELOPMENT.—

10 “(1) CAREER PATHS.—The head of each execu-
11 tive agency shall ensure that appropriate career
12 paths for personnel who desire to pursue careers in
13 acquisition are identified in terms of the education,
14 training, experience, and assignments necessary for
15 career progression to the most senior acquisition po-
16 sitions. The head of each executive agency shall
17 make information available on such career paths.

18 “(2) CRITICAL DUTIES AND TASKS.—For each
19 career path, the head of each executive agency shall
20 identify the critical acquisition-related duties and
21 tasks in which, at minimum, employees of the agen-
22 cy in the career path shall be competent to perform
23 at full performance grade levels. For this purpose,
24 the head of the executive agency shall provide appro-
25 priate coverage of the critical duties and tasks iden-

1 tified by the Director of the Federal Acquisition In-
2 stitute.

3 “(3) MANDATORY TRAINING AND EDU-
4 CATION.—For each career path, the head of each ex-
5 ecutive agency shall establish requirements for the
6 completion of course work and related on-the-job
7 training in the critical acquisition-related duties and
8 tasks of the career path. The head of each executive
9 agency shall also encourage employees to maintain
10 the currency of their acquisition knowledge and gen-
11 erally enhance their knowledge of related acquisition
12 management disciplines through academic programs
13 and other self-developmental activities.

14 “(4) PERFORMANCE INCENTIVES.—The head of
15 each executive agency, acting through the senior
16 procurement executive for the agency, shall provide
17 for an enhanced system of incentives for the encour-
18 agement of excellence in the acquisition workforce
19 which rewards performance of employees that con-
20 tribute to achieving the agency’s performance goals.

21 “(g) QUALIFICATION REQUIREMENTS.—

22 “(1) GENERAL SCHEDULE CONTRACTING SE-
23 RIES (GS-1102).—

24 “(A) ENTRY LEVEL QUALIFICATIONS.—

25 The Director of the Office of Personnel Man-

1 agement shall require that, after October 1,
2 1996, a person may not be appointed to a posi-
3 tion in the GS-1102 occupational series unless
4 the person—

5 “(i) has received a baccalaureate de-
6 gree from an accredited educational insti-
7 tution authorized to grant baccalaureate
8 degrees,

9 “(ii) has completed at least 24 semes-
10 ter credit hours (or the equivalent) of
11 study from an accredited institution of
12 higher education in any of the following
13 disciplines: accounting, business finance,
14 law, contracts, purchasing, economics, in-
15 dustrial management, marketing, quan-
16 titative methods, or organization and man-
17 agement, or

18 “(iii) has passed a written test deter-
19 mined by the Administrator for Federal
20 Procurement Policy, after consultation
21 with the Director of the Office of Person-
22 nel Management, to demonstrate the
23 judgmental skills necessary for positions in
24 this series.

1 “(B) QUALIFICATIONS FOR SENIOR CON-
2 TRACTING POSITIONS.—The Director of the Of-
3 fice of Personnel Management shall require
4 that, after October 1, 1996, persons may be ap-
5 pointed to positions at and above full perform-
6 ance grade levels in the GS-1102 occupational
7 series only if those persons—

8 “(i) have satisfied the educational re-
9 quirement either of subsection (g)(1)(A)(i)
10 or subsection (g)(1)(A)(ii),

11 “(ii) have successfully completed all
12 training required for the position under
13 subsection (f)(3), and

14 “(iii) have satisfied experience and
15 other requirements established by the Di-
16 rector for such positions.

17 However, this requirement shall apply to per-
18 sons employed on October 1, 1996, in GS-1102
19 positions at those grade levels only as a pre-
20 requisite for promotion to a GS-1102 position
21 at a higher grade.

22 “(2) GENERAL SCHEDULE PURCHASING SERIES
23 (GS-1105).—The Director of the Office of Personnel
24 Management shall require that, after October 1,
25 1996, a person may not be appointed to a position

1 in the GS-1105 occupational series unless the per-
2 son—

3 “(A) has successfully completed 2 years of
4 course work from an accredited educational in-
5 stitution authorized to grant degrees, or

6 “(B) has passed a written test determined
7 by the Administrator for Federal Procurement
8 Policy, after consultation with the Director of
9 the Office of Personnel Management, to dem-
10 onstrate the judgmental skills necessary for po-
11 sitions in this series.

12 “(3) CONTRACTING OFFICERS.—The head of
13 each executive agency shall require that, beginning
14 after October 1, 1996, a person may be appointed
15 as a contracting officer with authority to award or
16 administer contracts for amounts above the micro-
17 purchase threshold, as that term is defined in sec-
18 tion 32(g), only if the person—

19 “(A) has successfully completed all manda-
20 tory training required of an employee in an
21 equivalent GS-1102 or 1105 position under
22 subsection (f)(3); and

23 “(B) meets experience and other require-
24 ments established by the head of the agency,
25 based on the dollar value and complexity of the

1 contracts that the employee will be authorized
2 to award or administer under the appointment
3 as a contracting officer.

4 “(4) EXCEPTIONS.—(A) The requirements set
5 forth in subsection (g) (1) and (2), as applicable,
6 shall not apply to any person employed in the GS-
7 1101 or GS-1105 series on October 1, 1996.

8 “(B) Employees of an executive agency who do
9 not satisfy the full qualification requirements for ap-
10 pointment as a contracting officer under subsection
11 (g)(3) may be appointed as a contracting officer for
12 a temporary period of time under procedures estab-
13 lished by the agency head. The procedures shall—

14 “(i) require that the person have completed
15 a significant portion of the required training,

16 “(ii) require a plan be established for the
17 balance of the required training,

18 “(iii) specify a period of time for comple-
19 tion of the training, and

20 “(iv) include provisions for withdrawing or
21 terminating the appointment prior to the sched-
22 uled expiration date, where appropriate.

23 “(5) WAIVER.—The senior procurement execu-
24 tive for an executive agency may waive any or all of
25 the qualification requirements of subsection (g) (1)

1 and (2) for a person if the person possesses signifi-
2 cant potential for advancement to levels of greater
3 responsibility and authority, based on demonstrated
4 job performance and qualifying experience. This au-
5 thority may not be redelegated by the senior pro-
6 curement executive. With respect to each waiver
7 granted under this subsection, the senior procure-
8 ment executive shall set forth in writing the ration-
9 ale for the decision to waive such requirements.

10 “(h) PROGRAM ESTABLISHMENT AND IMPLEMENTA-
11 TION.—

12 “(1) FUNDING LEVELS.—The head of an execu-
13 tive agency shall request in the budget for the agen-
14 cy an amount equal to no less than 2.5 percent of
15 the base aggregate salary cost of the acquisition
16 workforce subject to this section, for education and
17 training under this section. The head of the execu-
18 tive agency shall set forth separately the funding lev-
19 els requested in the budget justification documents
20 submitted in support of the President’s budget sub-
21 mitted to Congress under section 1105 of title 31,
22 United States Code. Funds appropriated for edu-
23 cation and training under this section may not be
24 obligated or used for any other purpose.

1 “(2) INTERAGENCY AGREEMENTS.—The head
2 of an executive agency may enter into a written
3 agreement with another agency to participate in pro-
4 grams established under this section on a reimburs-
5 able basis.

6 “(3) TUITION ASSISTANCE.—Notwithstanding
7 the prohibition in section 4107(b) of title 5, United
8 States Code, the head of each executive agency may
9 provide for tuition reimbursement and education (in-
10 cluding a full-time course of study leading to a de-
11 gree) for acquisition personnel in the agency related
12 to the purposes of this section.

13 “(4) INTERN PROGRAMS.—The head of each ex-
14 ecutive agency may establish intern programs in
15 order to recruit highly qualified and talented individ-
16 uals and provide them with opportunities for acceler-
17 ated promotions, career broadening assignments,
18 and specified training for advancement to senior ac-
19 quisition positions. For such programs, the head of
20 an executive agency, without regard to the provisions
21 of title 5, United States Code, may appoint individ-
22 uals to competitive GS–5, GS–7, or GS–9 positions
23 in the General Schedule Contracting series (GS–
24 1102) who have graduated from baccalaureate or
25 master’s programs in purchasing or contracting

1 from accredited educational institutions authorized
2 to grant baccalaureate and master's degrees.

3 “(5) COOPERATIVE EDUCATION PROGRAM.—

4 The head of each executive agency may establish an
5 agencywide cooperative education credit program for
6 acquisition positions. Under the program, the head
7 of the executive agency may enter into cooperative
8 arrangements with one or more accredited institu-
9 tions of higher education which provide for such in-
10 stitutions to grant undergraduate credit for work
11 performed in such position.

12 “(6) SCHOLARSHIP PROGRAM.—

13 “(A) ESTABLISHMENT.—Where deemed
14 appropriate, the head of each executive agency
15 may establish a scholarship program for the
16 purpose of qualifying individuals for acquisition
17 positions in the agency.

18 “(B) ELIGIBILITY.—To be eligible to par-
19 ticipate in a scholarship program established
20 under this paragraph by an executive agency,
21 an individual must—

22 “(i) be accepted for enrollment or be
23 currently enrolled as a full-time student at
24 an accredited educational institution au-

1 thorized to grant baccalaureate or grad-
2 uate degrees (as appropriate);

3 “(ii) be pursuing a course of edu-
4 cation that leads toward completion of a
5 bachelor’s, master’s, or doctor’s degree (as
6 appropriate) in a qualifying field of study,
7 as determined by the head of the agency;

8 “(iii) sign an agreement described in
9 subparagraph (C) under which the partici-
10 pant agrees to serve a period of obligated
11 service in the agency in an acquisition po-
12 sition in return for payment of educational
13 assistance as provided in the agreement;
14 and

15 “(iv) meet such other requirements as
16 the head of the agency prescribes.

17 “(C) AGREEMENT.—An agreement be-
18 tween the head of an executive agency and a
19 participant in a scholarship program established
20 under this paragraph shall be in writing, shall
21 be signed by the participant, and shall include
22 the following provisions:

23 “(i) The agreement of the head of the
24 agency to provide the participant with edu-
25 cational assistance for a specified number

1 of school years, not to exceed 4, during
2 which the participant is pursuing a course
3 of education in a qualifying field of study.
4 The assistance may include payment of
5 tuition, fees, books, laboratory expenses,
6 and a stipend.

7 “(ii) The participant’s agreement—

8 “(I) to accept such educational
9 assistance,

10 “(II) to maintain enrollment and
11 attendance in the course of education
12 until completed,

13 “(III) while enrolled in such
14 course, to maintain an acceptable level
15 of academic standing (as prescribed
16 by the head of the agency), and

17 “(IV) after completion of the
18 course of education, to serve as a full-
19 time employee in an acquisition posi-
20 tion in the agency for a period of time
21 of one calendar year for each school
22 year or part thereof for which the par-
23 ticipant was provided a scholarship
24 under the program.

1 “(D) REPAYMENT.—(i) Any person partici-
2 pating in a program established under this
3 paragraph shall agree to pay to the United
4 States the total amount of educational assist-
5 ance provided to the person under the program
6 if the person is voluntarily separated from the
7 agency or involuntarily separated for cause
8 from the agency before the end of the period for
9 which the person has agreed to continue in the
10 service of the agency in an acquisition position.

11 “(ii) If an employee fails to fulfill the
12 agreement to pay to the Government the total
13 amount of educational assistance provided to
14 the person under the program, a sum equal to
15 the amount of the educational assistance may
16 be recovered by the Government from the em-
17 ployee (or the estate of the employee) by setoff
18 against accrued pay, compensation, amount of
19 retirement credit, or other amount due the em-
20 ployee from the Government; and by such other
21 method as is provided by law for the recovery
22 of amounts owing to the Government.

23 “(iii) The head of an executive agency may
24 waive in whole or in part a repayment required
25 under this paragraph if the head of the agency

1 determines the recovery would be against equity
2 and good conscience or would be contrary to the
3 best interests of the United States.

4 “(E) TERMINATION OF AGREEMENT.—
5 There shall be no requirement that a position
6 be offered to a person after such person suc-
7 cessfully completes a course of education re-
8 quired by an agreement under this paragraph.
9 If no position is offered, the agreement shall be
10 considered terminated.”.

11 **SEC. 3. FEDERAL ACQUISITION INSTITUTE.**

12 Section 6 of the Office of Federal Procurement Policy
13 Act (41 U.S.C. 405), is amended—

14 (1) in subsection (d) by amending paragraph
15 (5) to read as follows:

16 “(5) providing for and directing the activities of
17 the Federal Acquisition Institute (including rec-
18 ommending to the Administrator of General Services
19 a sufficient budget for such activities), which shall
20 be located in the General Services Administration;”;
21 and

22 (2) by adding at the end the following new sub-
23 section:

24 “(l) The Federal Acquisition Institute shall—

1 “(1) recommend policies, procedures, and
2 guidelines to the Administrator, for—

3 “(A) fostering and promoting the develop-
4 ment of a professional acquisition workforce
5 governmentwide, and

6 “(B) administering the provisions of sec-
7 tion 35;

8 “(2) collect data and analyze acquisition
9 workforce data from the Office of Personnel Man-
10 agement, the heads of executive agencies, and,
11 through periodic surveys, from individual employees;

12 “(3) periodically analyze acquisition career
13 fields to identify critical competencies, duties, tasks,
14 and related academic prerequisites, skills, and
15 knowledge;

16 “(4) coordinate and assist agencies in identify-
17 ing and recruiting highly qualified candidates for ac-
18 quisition fields;

19 “(5) develop instructional materials for acquisi-
20 tion personnel in coordination with private and pub-
21 lic acquisition colleges and training facilities;

22 “(6) evaluate the effectiveness of training and
23 career development programs for acquisition person-
24 nel;

1 “(7) promote the establishment and utilization
2 of academic programs by colleges and universities in
3 acquisition fields;

4 “(8) promote, coordinate, or conduct govern-
5 mentwide research and studies to improve the acqui-
6 sition process and the laws, policies, methods, regu-
7 lations, procedures, and forms relating to acquisition
8 by the executive agencies;

9 “(9) facilitate, to the extent requested by agen-
10 cies, interagency intern and training programs; and

11 “(10) perform other career management or re-
12 search functions as directed by the Administrator.”.

13 **SEC. 4. REPEAL OF SUPERSEDED PROVISION.**

14 Section 502 of the Small Business and Federal Pro-
15 curement Competition Enhancement Act of 1984 (41
16 U.S.C. 414a) is repealed.



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