



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN  
 PAUL TELLER, EXECUTIVE DIRECTOR  
 424 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

**Legislative Bulletin.....April 28, 2010**

**Contents:**

**Amendments to H.R. 5013**—IMPROVE Acquisition Act of 2010

**Order of Business:** The bill is scheduled to be considered on Wednesday, April 28, 2010, under a structured rule. The rule ([H.Res.1300](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI (earmarks & “pay-go”), provides for consideration of 16 amendments, and provides one motion to recommit with or without instructions.

**RSC Staff Contact:** Bruce Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202) 226-9720.

**AMENDMENTS MADE IN ORDER UNDER THE RULE**

1. ***Skelton (D-MO)***. The manager’s amendment would make several technical and grammatical corrections to the bill and add a provision to clarify that nothing in H.R. 5013 restrict or affect the rights of technical data of the government, contractor, or any subcontractor for items developed by the contractor or subcontractor exclusively at private expense.
2. ***Sessions (R-TX)***. Amends the bill to clarify that nothing in H.R. 5013 would conflict with the competition requirements of acquisition services under established law.
3. ***Hastings (D-FL)***. Amends the bill to include a provision that includes a strategy to ensure diversity in promotion, advancement, and experiential opportunities for career development for civilian and military acquisition personnel.
4. ***Hall (D-NY)***. Requires the Director of the Office of Performance Assessment and Root Cause Analysis (PARCA) to include findings and identify “egregious” errors in its annual report for performance assessments.
5. ***Edwards (D-MD)***. Requires the DOD to initiative outreach to local firms near defense installations and clarifies a procurement technical center includes a center operating under a cooperative agreement with the Defense Logistics Agency when considering initiatives under Title IV (Expansion of the Industrial Base) of the bill.
6. ***Moore (D-WI)***. Requires specific assessment metrics required under the bill to measure contractor performance to also include policies regarding the small business concerns

owned and operated by socially and economically disadvantaged individuals, veteran owned businesses, service-disabled, veteran owned, and women owned small businesses.

7. **Murphy (D-CT)**. Amends the bill to limit Title IV (Expansion of the Industrial Base) of H.R. 5013 to firms within the national technology and industrial base, as defined under U.S. Code.
8. **Quigley (D-IL)/Giffords (D-AZ)/Bartlett (R-MD)**. Includes the term “energy efficiency” under specific assessment metrics and review of defense acquisition guidance required under the bill.
9. **Quigley (D-IL)**. Amends the bill to require the Cost Assessment and Program Evaluation (CAPE) to include independent cost estimations and provide an assessment of the independence of those cost estimations in its report to Congress.
10. **Schrader (D-OR)**. The amendment prohibits contracts for personnel services to obtain the services of a “senior mentor”. The amendment allows the DoD to hire retired generals and flag officers as “senior mentors” under certain expectations and if they provide additional financial disclosure and conflict of interest requirements. A senior mentor is defined as someone who has served as a General or flag officer in the U.S. Armed Forces; served at a senior level position in the executive service, retired within 10 years of the contract, and serves as a mentor or trainer to government officials.
11. **Connolly (D-VA)**. Amends the bill to include new sections to Title IV to establish an Industrial Base Council to advise the Secretary of Defense in matters pertaining to the industrial base. The committee will be comprised of individuals from the manufacturing sector, services, research and development, information technology, sustainment and logistics, and military officials.
12. **Childers (D-MS)**. Amends the bill to include “market research strategies” under continuing education requirements for career development for civilian and military acquisition personnel.
13. **Dahlkemper (D-PA)**. The amendment adds a new section to Title IV of the bill to establish an acquisition savings program that would provide any person outside the Department of Defense the opportunity to provide a proposal to provide savings in excess of 15% of an acquisition contract.  
  
If a proposal is ruled to save 15%, a contracting officer may make an offer to the company holding the current contract to submit a new proposal that provides for a savings of greater than 15% (only if a new proposal would not constitute a breach of contract). The amendment also requires a report on the program no later than March 1, 2013 addressing the number of acquisition proposals submitted, favorably reviewed, cumulative savings, and further suggested actions.
14. **Kissell (D-NC)/Michaud (D-ME)**. Adds a Title V to the bill to require a GAO study to determine if there is sufficient domestic production of items purchased under the enlisted member clothing to adequately supply members of the Armed Forces.
15. **Grayson (D-FL)/Hastings (D-FL)**. Adds a Title V to the bill to make cost or price of a contract the least amount of importance when evaluating competitive proposals for

defense contracts. The amendment provides a waiver to the price consideration only to the head of an agency and requires publically posting a list of each waiver granted.

16. ***Hare (D-IL)***. Adds a sense of Congress to the bill that the Department of Defense should ensure contractors comply with the Berry Act, Buy American Act, and do not violate labor standards defined under the laws of the United States.