

103D CONGRESS  
1ST SESSION

# H. R. 84

To amend the Office of Federal Procurement Policy Act to provide for the participation of historically Black colleges and universities in federally funded research and development activities.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. CLAY (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To amend the Office of Federal Procurement Policy Act to provide for the participation of historically Black colleges and universities in federally funded research and development activities.

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. STATEMENT OF POLICY.**

4       It is the policy of the United States Government that  
5       historically Black colleges and universities and nonprofit  
6       organizations owned and controlled by Black Americans  
7       share equitably in the benefits to be derived from being

1 and becoming full participants in federally funded re-  
2 search and development activities.

3 **SEC. 2. PURPOSE.**

4 The purpose of this Act is to establish, enhance, and  
5 expand the participation of historically Black colleges and  
6 universities and nonprofit organizations owned and con-  
7 trolled by Black Americans in research and development  
8 through their designation as federally funded research and  
9 development centers.

10 **SEC. 3. AMENDMENTS TO OFFICE OF FEDERAL PROCURE-**  
11 **MENT POLICY ACT.**

12 (a) GENERAL AUTHORITY.—The Office of Federal  
13 Procurement Policy Act (41 U.S.C. 401 et seq.) is amend-  
14 ed by inserting after section 6 the following:

15 **“SEC. 6B. PARTICIPATION OF HISTORICALLY BLACK COL-**  
16 **LEGES AND UNIVERSITIES AND NONPROFIT**  
17 **ORGANIZATIONS OWNED AND CONTROLLED**  
18 **BY BLACK AMERICANS IN RESEARCH AND DE-**  
19 **VELOPMENT ACTIVITIES.**

20 “(a) GENERAL AUTHORITY.—(1) The Administrator  
21 shall prescribe regulations to ensure the participation of  
22 historically Black colleges and universities and nonprofit  
23 organizations owned and controlled by Black Americans  
24 in research and development activities conducted with

1 Federal funds by executive agencies. Such regulations  
2 shall require that each executive agency—

3 “(A) except as provided in paragraph (2), des-  
4 ignate not less than 5 historically Black colleges and  
5 universities or nonprofit organizations owned and  
6 controlled by Black Americans as federally funded  
7 research and development centers for purposes of  
8 such agency;

9 “(B) reserve not less than 3 percent of amounts  
10 appropriated to such agency for research and devel-  
11 opment activities for purposes of providing technical  
12 assistance and other support to historically Black  
13 colleges and universities and nonprofit organizations  
14 owned and controlled by Black Americans in order  
15 to implement the purpose of this Act;

16 “(C) reserve, for purposes of research and de-  
17 velopment activities to be conducted by federally  
18 funded research and development centers designated  
19 pursuant to subparagraph (A)—

20 “(i) in the fiscal year 1994, not less than  
21 5 percent of amounts appropriated to such  
22 agency for research and development activities;

23 “(ii) in the fiscal year 1995, not less than  
24 10 percent of amounts appropriated to such  
25 agency for research and development activities;

1           “(iii) in the fiscal year 1996, not less than  
2           15 percent of amounts appropriated to such  
3           agency for research and development activities;  
4           and

5           “(iv) in the fiscal year 1997 and in each  
6           succeeding fiscal year, not less than 20 percent  
7           of amounts appropriated to such agency for re-  
8           search and development activities; and

9           “(D) with respect to each federally funded re-  
10          search and development center designated pursuant  
11          to paragraph (1)—

12               “(i) assess any need for technical assist-  
13               ance and other support; and

14               “(ii) as soon as practicable, develop and  
15               implement a coordinated plan for delivery of  
16               such assistance.

17          “(2) The Administrator may allow an executive agen-  
18          cy to designate fewer than 5 historically Black colleges and  
19          universities or nonprofit organizations owned and con-  
20          trolled by Black Americans as federally funded research  
21          and development centers pursuant to paragraph (1)(A) if  
22          the Administrator determines that amounts reserved by  
23          such agency under paragraph (1)(C) for such centers  
24          would be insufficient to carry out research and develop-  
25          ment activities at 5 such centers.

1       “(b) WAIVER OF RESPONSIBLE SOURCE CRITERIA.—

2 For purposes of this Act, any federally funded research  
3 center designated pursuant to subsection (a)(1)(A) shall  
4 be considered to be a responsible source.

5       “(c) REPAYMENT OF UNUSED AMOUNTS.—In any

6 fiscal year in which an executive agency does not expend  
7 all of the amounts reserved by such agency as required  
8 by subsection (a)(1)(C) for support of research and devel-  
9 opment activities at federally funded research and develop-  
10 ment centers designated under subsection (a)(1)(A), any  
11 of such amounts that are not so expended shall be re-  
12 turned to the Treasury of the United States.

13       “(d) PAYMENT AND USE OF AMOUNTS FOR PARREN

14 J. MITCHELL INSTITUTE FOR BUSINESS EDUCATION.—

15 (1) Each college, university, or nonprofit organization  
16 which receives an amount from an executive agency under  
17 this section shall pay not less than  $\frac{1}{2}$  percent of that  
18 amount to a national not-for-profit organization estab-  
19 lished as the Parren J. Mitchell Institute for Business  
20 Education (hereinafter in this subsection referred to as  
21 the ‘Institute’).

22       “(2) The Institute shall use amounts paid to the In-  
23 stitute under this subsection only to develop and imple-  
24 ment programs which foster entrepreneurship and capital  
25 formation.

1       “(e) DEFINITION.—For purposes of this section, the  
2 term ‘historically Black colleges and universities’ means  
3 institutions that are part B institutions for purposes of  
4 part B of title III of the Higher Education Act of 1965.”.

5       (b) ANNUAL REPORT.—Section 17 of the Office of  
6 Federal Procurement Policy Act (41 U.S.C. 415) is  
7 amended by adding at the end the following new sub-  
8 section:

9       “(c) ANNUAL REPORT.—The Comptroller General of  
10 the United States shall annually conduct a study and sub-  
11 mit a report to the Congress on the activities of executive  
12 agencies in carrying out section 6B. The first report shall  
13 be submitted by not later than 9 months after the date  
14 of the enactment of this subsection. Such reports shall  
15 specifically include—

16               “(1) a description of the extent to which each  
17 executive agency is complying with the requirements  
18 of section 6B;

19               “(2) a description of technical assistance and  
20 other support provided by executive agencies to fed-  
21 erally funded research and development centers des-  
22 ignated under section 6B(a)(1)(A); and

23               “(3) an analysis and description of the technical  
24 and other support required by historically Black col-

1       leges and universities and nonprofit organizations  
2       owned and controlled by Black Americans.”.

3   **SEC. 4. EFFECTIVE DATE.**

4       The amendment made by section 3 shall take effect  
5   on October 1, 1993.

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