

103D CONGRESS  
1ST SESSION

# S. 651

To amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by Black Americans in federally funded research and development activities.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25 (legislative day, MARCH 3), 1993

Ms. MIKULSKI introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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# A BILL

To amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by Black Americans 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. ACTIONS REQUIRED.**

11 (a) GENERAL AUTHORITY.—The Office of Federal  
12 Procurement Policy Act (41 U.S.C. 401 et seq.) is amend-  
13 ed by adding at the end the following:

14 “PARTICIPATION OF HISTORICALLY BLACK COLLEGES  
15 AND UNIVERSITIES AND NONPROFIT ORGANIZATIONS  
16 OWNED AND CONTROLLED BY BLACK AMERICANS IN  
17 RESEARCH AND DEVELOPMENT ACTIVITIES

18 “SEC. 29. (a)(1) The Federal Acquisition Regulation  
19 shall include regulations to ensure that historically Black  
20 colleges and universities and nonprofit organizations  
21 owned and controlled by Black Americans are afforded the  
22 opportunity to participate equitably in research and devel-  
23 opment activities conducted for executive agencies.

24 “(2) The regulations shall require that the head of  
25 each executive agency having regular requirements for re-  
26 search and development—

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

7               “(B) reserve not less than 3 percent of amounts  
8 appropriated to such agency for research and devel-  
9 opment activities for purposes of providing technical  
10 assistance and other support to historically Black  
11 colleges and universities and nonprofit organizations  
12 owned and controlled by Black Americans in order  
13 to expand the participation of such entities in feder-  
14 ally funded research and development;

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

19               “(i) in the fiscal year 1995, not less than  
20 5 percent of amounts appropriated to such  
21 agency for research and development activities;

22               “(ii) in the fiscal year 1996, not less than  
23 10 percent of amounts appropriated to such  
24 agency for research and development activities;

1               “(iii) in the fiscal year 1997, 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 1998 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               “(3) The Administrator may authorize an executive  
18               agency to designate fewer than 5 historically Black col-  
19               leges and universities or nonprofit organizations owned  
20               and controlled by Black Americans as federally funded re-  
21               search and development centers pursuant to paragraph  
22               (2)(A) if the Administrator determines that amounts re-  
23               served by such agency under paragraph (2)(C) for such  
24               centers would be insufficient to carry out research and de-

1 development activities at 5 such colleges, universities, and  
2 nonprofit organizations.

3       “(b) The head of an executive agency designating a  
4 federally funded research and development center pursu-  
5 ant to subsection (a)(2)(A) shall consider that center as  
6 a responsible source for purposes of research and develop-  
7 ment contracts and cooperative agreements of that agency.

8       “(c) In any fiscal year in which an executive agency  
9 does not expend all of the amounts reserved by such agen-  
10 cy pursuant to subsection (a)(2)(C) for support of re-  
11 search and development activities at federally funded re-  
12 search and development centers designated pursuant to  
13 subsection (a)(2)(A), any of such amounts that are not  
14 so expended shall be returned to the Treasury of the Unit-  
15 ed States.

16       “(d) For purposes of this section, the term ‘histori-  
17 cally Black college and university’ means a part B institu-  
18 tion as such term is defined in section 322(2) of the High-  
19 er Education Act of 1965 (20 U.S.C. 1061(2)).”.

20       (b) ANNUAL GAO STUDY AND REPORT.—

21           (1) REQUIREMENT.—Section 17 of the Office of  
22           Federal Procurement Policy Act (41 U.S.C. 415) is  
23           amended by adding at the end the following new  
24           subsection:

1       “(c) The Comptroller General of the United States  
2 shall annually conduct a study and submit a report to the  
3 Congress on the activities of executive agencies in carrying  
4 out this section. Such report shall specifically include—

5           “(1) a description of the extent to which each  
6 executive agency is complying with the requirements  
7 of such section; and

8           “(2) a description of technical assistance and  
9 other support provided by the executive agencies.”.

10           (2) FIRST STUDY AND REPORT.—The Comptroller General of the United States shall conduct the first study, and submit the first report, required by section 17(c) of the Office of Federal Procurement Policy Act (as added by paragraph (1)) during 1995.

16 **SEC. 4. EFFECTIVE DATE.**

17       The amendments made by section 3 shall take effect  
18 on October 1, 1994.

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