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98TH CONGRESS
2^D SESSION

S. 2675

To amend the Office of Federal Procurement Policy Act to increase public participation in the formulation of Government procurement policies, regulations, procedures, and forms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 14), 1984

Mr. COHEN (for himself, Mr. WEICKER, Mr. LEVIN, Mr. CHILES, Mr. RUDMAN, Mr. DIXON, and Mr. BUMPERS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend the Office of Federal Procurement Policy Act to increase public participation in the formulation of Government procurement policies, regulations, procedures, and forms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Public Participation in
4 Procurement Policymaking Act of 1984".

5 SEC. 2. The Office of Federal Procurement Policy Act
6 (41 U.S.C. 401 et seq.) is amended by adding at the end
7 thereof the following new section:

1 "PUBLIC PARTICIPATION IN THE FORMULATION OF
2 PROCUREMENT POLICIES AND REGULATIONS

3 "SEC. 18. (a) For the purposes of this section—

4 "(1) the term 'procurement policy, regulation,
5 procedure, or form' includes an amendment to or modi-
6 fication of a procurement policy, regulation, procedure,
7 or form; and

8 "(2) the term 'significant procurement policy, reg-
9 ulation, procedure, or form' means a procurement
10 policy, regulation, procedure, or form that has any
11 effect beyond the internal operating procedures of the
12 executive agency issuing the procurement policy, regu-
13 lation, procedure, or form or any effect on the costs or
14 contract administration activities of contractors.

15 "(b) Each head of an executive agency proposing to
16 issue a procurement policy, regulation, procedure, or form,
17 shall solicit and consider the views of all interested parties,
18 including Government agencies, private organizations and as-
19 sociations, business firms, educational institutions, and indi-
20 viduals, on the proposal.

21 "(c) In carrying out subsection (b) in the case of a signif-
22 icant procurement policy, regulation, procedure, or form pro-
23 posed to be issued by an executive agency, the head of the
24 executive agency shall, subject to subsection (e), cause to be
25 published in the Federal Register a notice of the proposal and

1 provide for a public comment period for receiving and consid-
2 ering the views of all interested parties on the proposal. The
3 length of such comment period should be 60 days, but in any
4 event shall not be less than 30 days.

5 “(d) For the purposes of subsection (b) or (c), any notice
6 prepared for publication in the Federal Register shall in-
7 clude—

8 “(1) in a format required for publication in the
9 Federal Register, a description of the proposed pro-
10 curement policy, regulation, procedure, or form, the
11 background and reasons for the proposal, and the in-
12 tended effect of the proposal;

13 “(2) the text of the proposal or, if it is impractica-
14 ble to publish the full text of the proposal, a summary
15 of the proposal and a statement specifying the name
16 and address of the officer or employee of the executive
17 agency from whom the full text may be obtained; and

18 “(3) a request for interested parties to submit
19 comments on the proposal, including the name and ad-
20 dress of the officer or employee of the Government
21 designated to receive such comments.

22 “(e)(1) The requirements of subsection (c) may be
23 waived by the head of an executive agency or his designee
24 when circumstances make compliance impracticable, such as
25 when there is inadequate time to comply with the require-

1 ments by reason of the effective date of an applicable statute,
2 a judicial decision, or an emergency.

3 “(2) A significant procurement policy, regulation, proce-
4 dure, or form with respect to which the requirements of sub-
5 section (c) are waived pursuant to paragraph (1) may take
6 effect on a temporary basis if—

7 “(A) a notice of such procurement policy, regula-
8 tion, procedure, or form is published in the Federal
9 Register and includes a statement that the procure-
10 ment policy, regulation, procedure, or form is tempo-
11 rary; and

12 “(B) provision is made for a public comment
13 period of 60 days beginning on the date on which the
14 notice is published.

15 After considering the comments received, the head of the ex-
16 ecutive agency waiving the requirements of subsection (c)
17 pursuant to paragraph (1) may issue the final procurement
18 policy, regulation, procedure, or form.”.

19 SEC. 3. The amendment made by section 2 of this Act
20 shall take effect with respect to procurement policies, regula-
21 tions, procedures, or forms, or amendments to or modifica-
22 tions of procurement policies, regulations, procedures, or
23 forms, first proposed to be promulgated by an executive
24 agency on or after the date which is 30 days after the date of
25 enactment of this Act.

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