

Union Calendar No. 369

110TH CONGRESS
2^D SESSION

H. R. 3033

[Report No. 110-596]

To improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mrs. MALONEY of New York (for herself and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

APRIL 18, 2008

Additional sponsors: Mr. WYNN, Mrs. MCCARTHY of New York, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. MILLER of North Carolina, and Mr. WEINER

APRIL 18, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 12, 2007]

A BILL

To improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

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 “Contractors and Federal*
5 *Spending Accountability Act of 2008”.*

6 **SEC. 2. DATABASE FOR CONTRACTING OFFICERS AND SUS-**
7 **PENSION AND DEBARMENT OFFICIALS.**

8 *(a) IN GENERAL.—Subject to the authority, direction,*
9 *and control of the Director of the Office of Management and*
10 *Budget, the Administrator of General Services shall estab-*
11 *lish and maintain a database of information regarding in-*
12 *tegrity and performance of Federal contracts and grant re-*
13 *cipients for use by Federal officials having authority over*
14 *contracts and grants.*

15 *(b) INFORMATION INCLUDED.—The database—*

16 *(1) shall consist of information regarding civil,*
17 *criminal, and administrative proceedings concluded*
18 *by the Federal Government and State governments*
19 *against Federal contractors or grant recipients; and*

20 *(2) shall include with respect to each person*
21 *awarded a Federal contract or grant—*

22 *(A) information regarding all proceedings*
23 *referred to in paragraph (1) against that person*
24 *in at least the most recent 5-year period;*

25 *(B) with respect to each proceeding—*

1 (i) a brief description of the pro-
2 ceeding; and

3 (ii) any amount paid by the person to
4 the Federal Government or a State govern-
5 ment;

6 (C) all Federal contracts and grants award-
7 ed to the person that were terminated in such pe-
8 riod due to default;

9 (D) all Federal suspensions and debarments
10 of the person in that period;

11 (E) all Federal administrative agreements
12 entered into by the person and the Federal Gov-
13 ernment in that period to resolve a suspension or
14 debarment proceeding and, to the maximum ex-
15 tent practicable, such agreements entered into by
16 the person and a State government in that pe-
17 riod; and

18 (F) all final findings by a Federal official
19 in that period that the person is not a respon-
20 sible source as defined by section 4(7) of the Of-
21 fice of Federal Procurement Policy Act (41
22 U.S.C. 403(7)).

23 (c) *REQUIREMENTS RELATING TO INFORMATION IN*
24 *DATABASE.*—

1 (1) *DIRECT INPUT AND UPDATE.*—*The Adminis-*
2 *trator shall design and maintain the database in a*
3 *manner that allows the appropriate officials of each*
4 *Federal agency to directly input and update in the*
5 *database information relating to actions it has taken*
6 *with regard to contractors or grant recipients.*

7 (2) *TIMELINESS AND ACCURACY.*—*The Adminis-*
8 *trator shall develop policies to require the timely and*
9 *accurate input of information into the database and*
10 *to allow Federal contractors and grant recipients to*
11 *append comments to information in the database.*

12 (d) *AVAILABILITY.*—

13 (1) *AVAILABILITY TO ALL FEDERAL AGENCIES.*—
14 *The Administrator shall make the database available*
15 *to all Federal agencies.*

16 (2) *AVAILABILITY TO THE PUBLIC.*—*The Admin-*
17 *istrator shall make the database available to the pub-*
18 *lic by posting the database on the General Services*
19 *Administration website.*

20 (3) *LIMITATION.*—*This subsection does not re-*
21 *quire the public availability of information that is ex-*
22 *empt from public disclosure under section 552(b) of*
23 *title 5, United States Code.*

1 **SEC. 3. SUSPENSION AND DEBARMENT PROCEDURE FOR**
2 **REPEAT VIOLATORS.**

3 *Not later than 180 days after the date of the enactment*
4 *of this Act, Federal suspension and debarment regulations*
5 *shall be amended to require issuance of a notice of proposed*
6 *debarment to any contractor or grant recipient against*
7 *whom is rendered, twice within any 3-year period, a judg-*
8 *ment or conviction for the same offense, or similar offenses,*
9 *if each judgment or conviction constitutes a cause for debar-*
10 *ment.*

11 **SEC. 4. DISCLOSURE IN APPLICATIONS.**

12 *(a) REQUIREMENT.—Not later than 180 days after the*
13 *date of the enactment of this Act, Federal regulations shall*
14 *be amended to require that in applying for any Federal*
15 *grant or submitting a proposal or bid for any Federal con-*
16 *tract a person shall disclose in writing information de-*
17 *scribed in section 2(b).*

18 *(b) COVERED CONTRACTS AND GRANTS.—This section*
19 *shall apply only to contracts and grants in an amount*
20 *greater than the simplified acquisition threshold, as defined*
21 *in section 4(11) of the Office of Federal Procurement Policy*
22 *Act (41 U.S.C. 401(11)).*

23 **SEC. 5. ROLE OF INTERAGENCY COMMITTEE.**

24 *(a) REQUIREMENT.—The Interagency Committee on*
25 *Debarment and Suspension shall—*

1 (1) *resolve issues regarding which of several Fed-*
2 *eral agencies is the lead agency having responsibility*
3 *to initiate suspension or debarment proceedings;*

4 (2) *coordinate actions among interested agencies*
5 *with respect to such action;*

6 (3) *encourage and assist Federal agencies in en-*
7 *tering into cooperative efforts to pool resources and*
8 *achieve operational efficiencies in the governmentwide*
9 *suspension and debarment system;*

10 (4) *recommend to the Office of Management and*
11 *Budget changes to Government suspension and debar-*
12 *ment system and its rules, if such recommendations*
13 *are approved by a majority of the Interagency Com-*
14 *mittee;*

15 (5) *authorize the Office of Management and*
16 *Budget to issue guidelines that implement those rec-*
17 *ommendations;*

18 (6) *authorize the chair of the Committee to estab-*
19 *lish subcommittees as appropriate to best enable the*
20 *Interagency Committee to carry out its functions; and*

21 (7) *submit to the Congress an annual report*
22 *on—*

23 (A) *the progress and efforts to improve the*
24 *suspension and debarment system;*

1 (B) member agencies' active participation
2 in the committee's work; and

3 (C) a summary of each agency's activities
4 and accomplishments in the governmentwide de-
5 barment system.

6 (b) *DEFINITION.*—The term “Interagency Committee
7 on Debarment and Suspension” means such committee con-
8 stituted under sections 4 and 5 and of Executive Order
9 12549.

10 **SEC. 6. AUTHORIZATION OF INDEPENDENT AGENCIES.**

11 Any agency, commission, or organization of the Fed-
12 eral Government to which Executive Order 12549 does not
13 apply is authorized to participate in the governmentwide
14 suspension and debarment system and may recognize the
15 suspension or debarment issued by an executive branch
16 agency in its own procurement or assistance activities.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Admin-
19 istrator of General Services such funds as may be necessary
20 to establish the database described in section 2.

21 **SEC. 8. REPORT TO CONGRESS.**

22 (a) *REPORT REQUIRED.*—Not later than 180 days
23 after the date of the enactment of this Act, the Adminis-
24 trator of General Services shall submit to Congress a report.

1 **(b) CONTENTS OF REPORT.**—*The report shall contain*
2 *the following:*

3 (1) *A list of all databases that include informa-*
4 *tion about Federal contracting and Federal grants.*

5 (2) *Recommendations for further legislation or*
6 *administrative action that the Administrator con-*
7 *siders appropriate to create a centralized, comprehen-*
8 *sive Federal contracting and Federal grant database.*

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