

110TH CONGRESS
2^D SESSION

H. R. 3033

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2008

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Contractors and Fed-
3 eral Spending Accountability Act of 2008”.

4 **SEC. 2. DATABASE FOR CONTRACTING OFFICERS AND SUS-
5 PENSION AND DEPARTMENT OFFICIALS.**

6 (a) **IN GENERAL.**—Subject to the authority, direc-
7 tion, and control of the Director of the Office of Manage-
8 ment and Budget, the Administrator of General Services
9 shall establish and maintain a database of information re-
10 garding integrity and performance of persons awarded
11 Federal contracts and grants for use by Federal officials
12 having authority over contracts and grants.

13 (b) **PERSONS COVERED.**—The database shall cover
14 any person awarded a Federal contract or grant if any
15 information described in subsection (c) exists with respect
16 to such person.

17 (c) **INFORMATION INCLUDED.**—With respect to a
18 person awarded a Federal contract or grant, the database
19 shall include information (in the form of a brief descrip-
20 tion) for at least the most recent 5-year period regard-
21 ing—

22 (1) any civil or criminal proceeding, or any ad-
23 ministrative proceeding to the extent that such pro-
24 ceeding results in both a finding of fault on the part
25 of the person and the payment of restitution to a
26 government of \$5,000 or more, concluded by the

1 Federal Government or any State government
2 against the person, and any amount paid by the per-
3 son to the Federal Government or a State govern-
4 ment;

5 (2) all Federal contracts and grants awarded to
6 the person that were terminated in such period due
7 to default;

8 (3) all Federal suspensions and debarments of
9 the person in that period;

10 (4) all Federal administrative agreements en-
11 tered into by the person and the Federal Govern-
12 ment in that period to resolve a suspension or debar-
13 ment proceeding and, to the maximum extent prac-
14 ticable, agreements involving a suspension or debar-
15 ment proceeding entered into by the person and a
16 State government in that period; and

17 (5) all final findings by a Federal official in
18 that period that the person has been determined not
19 to be a responsible source under either subparagraph
20 (C) or (D) of section 4(7) of the Office of Federal
21 Procurement Policy Act (41 U.S.C. 403(7)).

22 (d) REQUIREMENTS RELATING TO INFORMATION IN
23 DATABASE.—

24 (1) DIRECT INPUT AND UPDATE.—The Admin-
25 istrator shall design and maintain the database in a

1 manner that allows the appropriate officials of each
2 Federal agency to directly input and update in the
3 database information relating to actions it has taken
4 with regard to contractors or grant recipients.

5 (2) TIMELINESS AND ACCURACY.—The Admin-
6 istrator shall develop policies to require—

7 (A) the timely and accurate input of infor-
8 mation into the database;

9 (B) notification of any covered person
10 when information relevant to the person is en-
11 tered into the database; and

12 (C) an opportunity for any covered person
13 to append comments to information about such
14 person in the database.

15 (e) AVAILABILITY.—

16 (1) AVAILABILITY TO ALL FEDERAL AGEN-
17 CIES.—The Administrator shall make the database
18 available to all Federal agencies.

19 (2) AVAILABILITY TO THE PUBLIC.—The Ad-
20 ministrator shall make the database available to the
21 public by posting the database on the General Serv-
22 ices Administration website.

23 (3) LIMITATION.—This subsection does not re-
24 quire the public availability of information that is

1 exempt from public disclosure under section 552(b)
2 of title 5, United States Code.

3 **SEC. 3. REVIEW OF DATABASE.**

4 (a) REQUIREMENT TO REVIEW DATABASE.—Prior to
5 the award of a contract or grant, an official responsible
6 for awarding a contract or grant shall review the database
7 established under section 2.

8 (b) REQUIREMENT TO DOCUMENT PRESENT RE-
9 SPONSIBILITY.—In the case of a prospective awardee of
10 a contract or grant against which a judgment or conviction
11 has been rendered more than once within any 3-year pe-
12 riod for the same or similar offences, if each judgment
13 or conviction is a cause for debarment, the official respon-
14 sible for awarding the contract or grant shall document
15 why the prospective awardee is considered presently re-
16 sponsible.

17 **SEC. 4. DISCLOSURE IN APPLICATIONS.**

18 (a) REQUIREMENT.—Not later than 180 days after
19 the date of the enactment of this Act, Federal regulations
20 shall be amended to require that in applying for any Fed-
21 eral grant or submitting a proposal or bid for any Federal
22 contract a person shall disclose in writing information de-
23 scribed in section 2(c).

24 (b) COVERED CONTRACTS AND GRANTS.—This sec-
25 tion shall apply only to contracts and grants in an amount

1 greater than the simplified acquisition threshold, as de-
2 fined in section 4(11) of the Office of Federal Procure-
3 ment Policy Act (41 U.S.C. 401(11)).

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

5 (a) REQUIREMENT.—The Interagency Committee on
6 Debarment and Suspension shall—

7 (1) resolve issues regarding which of several
8 Federal agencies is the lead agency having responsi-
9 bility to initiate suspension or debarment pro-
10 ceedings;

11 (2) coordinate actions among interested agen-
12 cies with respect to such action;

13 (3) encourage and assist Federal agencies in
14 entering into cooperative efforts to pool resources
15 and achieve operational efficiencies in the Govern-
16 mentwide suspension and debarment system;

17 (4) recommend to the Office of Management
18 and Budget changes to Government suspension and
19 debarment system and its rules, if such rec-
20 ommendations are approved by a majority of the
21 Interagency Committee;

22 (5) authorize the Office of Management and
23 Budget to issue guidelines that implement those rec-
24 ommendations;

1 (6) authorize the chair of the Committee to es-
2 tablish subcommittees as appropriate to best enable
3 the Interagency Committee to carry out its func-
4 tions; and

5 (7) submit to the Congress an annual report
6 on—

7 (A) the progress and efforts to improve the
8 suspension and debarment system;

9 (B) member agencies' active participation
10 in the committee's work; and

11 (C) a summary of each agency's activities
12 and accomplishments in the Governmentwide
13 debarment system.

14 (b) DEFINITION.—The term “Interagency Committee
15 on Debarment and Suspension” means such committee
16 constituted under sections 4 and 5 and of Executive Order
17 12549.

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

19 Any agency, commission, or organization of the Fed-
20 eral Government to which Executive Order 12549 does not
21 apply is authorized to participate in the Governmentwide
22 suspension and debarment system and may recognize the
23 suspension or debarment issued by an executive branch
24 agency in its own procurement or assistance activities.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Ad-
3 ministrator of General Services such funds as may be nec-
4 essary to establish the database described in section 2.

5 **SEC. 8. REPORT TO CONGRESS.**

6 (a) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Adminis-
8 trator of General Services shall submit to Congress a re-
9 port.

10 (b) CONTENTS OF REPORT.—The report shall con-
11 tain the following:

12 (1) A list of all databases that include informa-
13 tion about Federal contracting and Federal grants.

14 (2) Recommendations for further legislation or
15 administrative action that the Administrator con-
16 siders appropriate to create a centralized, com-
17 prehensive Federal contracting and Federal grant
18 database.

Passed the House of Representatives April 23, 2008.

Attest: LORRAINE C. MILLER,
Clerk.