

112TH CONGRESS
2D SESSION

S. 3505

To ensure the efficient use of taxpayer dollars in construction-related contracts for reconstruction efforts in Afghanistan by requiring reporting to Congress by Federal agencies that refuse to implement, or only partially concur with, SIGAR recommendations to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost overruns, or other reasons.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mrs. SHAHEEN (for herself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure the efficient use of taxpayer dollars in construction-related contracts for reconstruction efforts in Afghanistan by requiring reporting to Congress by Federal agencies that refuse to implement, or only partially concur with, SIGAR recommendations to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost overruns, or other reasons.

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 “Afghanistan Con-
3 tractor Accountability Act of 2012”.

4 **SEC. 2. REPORTING REQUIREMENT FOR FEDERAL AGEN-**
5 **CIES WITH CONSTRUCTION CONTRACTS IN**
6 **AFGHANISTAN THAT DO NOT COMPLY WITH**
7 **SIGAR RECOMMENDATIONS REGARDING RE-**
8 **IMBURSEMENT FOR POOR CONTRACTOR**
9 **PERFORMANCE, COST OVERRUNS, OR OTHER**
10 **REASONS.**

11 (a) IN GENERAL.—Not later than 30 days after the
12 end of the 60-day period for an audited executive agency
13 to respond to a covered final audit report submitted to
14 the agency by the Special Inspector General for Afghani-
15 stan Reconstruction, or 30 days after an executive agency
16 responds to a covered audit report with a non-concur or
17 partial concur response, the head of the executive agency
18 shall submit to Congress a report with an explanation for
19 the failure to respond or the non-concur or partial concur
20 response.

21 (b) DEFINITIONS.—In this Act—

22 (1) the term “covered final audit report” means
23 a final audit report issued by the Special Inspector
24 General for Afghanistan Reconstruction that in-
25 cludes a recommendation for an executive agency to
26 seek reimbursement for failure by a contractor or

1 subcontractor to successfully complete a construction
2 contract due to poor contractor performance, cost-
3 overruns, or other reasons that would, if imple-
4 mented, result in at least \$500,000 in savings; and

5 (2) the term “executive agency” has the mean-
6 ing given the term in section 133 of title 41, United
7 States Code.

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