

105TH CONGRESS
2D SESSION

H. R. 4840

To make certain technical amendments to the Act commonly known as the Clinger-Cohen Act of 1996, and to provide that certain cost accounting standards shall not be applied to the Federal Employees Health Benefit program until the Cost Accounting Standards Board Review Panel submits its report and recommendations to Congress.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1998

Mrs. MORELLA (for herself and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To make certain technical amendments to the Act commonly known as the Clinger-Cohen Act of 1996, and to provide that certain cost accounting standards shall not be applied to the Federal Employees Health Benefit program until the Cost Accounting Standards Board Review Panel submits its report and recommendations to Congress.

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. AMENDMENT OF SAVINGS PROVISION OF**
2 **CLINGER-COHEN ACT OF 1996.**

3 (a) SHORT TITLE.—This section may be cited as the
4 “Savings Provision Technical Amendment Act of 1998”.

5 (b) AMENDMENT OF SAVINGS PROVISION.—Section
6 5702 of division E of the National Defense Authorization
7 Act for Fiscal Year 1996 (commonly referred to as the
8 “Clinger-Cohen Act of 1996”) (division E of Public Law
9 104–106; 40 U.S.C. 1401 note) is amended—

10 (1) in subsection (a), by striking “All” and in-
11 serting in lieu thereof “Except as provided in sub-
12 section (d), all”;

13 (2) in subsection (b), by inserting after “PRO-
14 CEEDINGS.—” the following: “Except as provided in
15 subsection (d)—”; and

16 (3) by adding at the end the following new sub-
17 section:

18 “(d) INAPPLICABILITY OF SUBSECTIONS (a) AND (b)
19 TO CERTAIN PROCEEDINGS INVOLVING DELEGATIONS OF
20 PROCUREMENT AUTHORITY.—Subsections (a) and (b)
21 shall not apply to any decision of the General Services
22 Board of Contract Appeals (whether or not such decision
23 is subsequently vacated)—

24 “(1) that is issued in a proceeding described in
25 subsection (b)(1) involving a protest;

1 “(2) that is issued after February 10, 1996,
2 and before the effective date described in section
3 5701; and

4 “(3) that declares that a delegation of procure-
5 ment authority from the Administrator of General
6 Services or another source should have been ob-
7 tained and that a contract is void for lack of such
8 a delegation.”.

9 (c) IMPLEMENTATION OF AMENDMENT.—In the case
10 of any decision of the General Services Board of Contract
11 Appeals covered by section 5702(d) of the National De-
12 fense Authorization Act for Fiscal Year 1996, as added
13 by subsection (b), the following provisions apply:

14 (1) The Administrator of General Services—

15 (A) shall take such actions as are nec-
16 essary to vacate the decision; and

17 (B) may not decide any further protest
18 with respect to the contract that was declared
19 void by such decision.

20 (2) The contracting activity that awarded the
21 contract that was declared void by such decision—

22 (A) shall deem the contract valid and in
23 full effect, notwithstanding any subsequent
24 event, action, or change in circumstances or re-
25 quirements;

1 (B) shall adhere to the terms of the con-
2 tract; and

3 (C) shall require performance of the con-
4 tract to begin 15 days after the date of the en-
5 actment of this Act (the Savings Provision
6 Technical Amendment Act of 1998) and to con-
7 tinue from that date for the number of years
8 prescribed by the contract when the contract
9 was awarded.

10 (3) The contract that was declared void by such
11 decision shall not be subject to any other protest.

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