

108TH CONGRESS
2D SESSION

H. R. 3899

To require agencies to submit to Congress any contracts in amounts greater than \$1,000,000 that are proposed to be awarded using noncompetitive procedures.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2004

Mr. BOSWELL introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Armed Services and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require agencies to submit to Congress any contracts in amounts greater than \$1,000,000 that are proposed to be awarded using noncompetitive procedures.

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 “Contract Account-
5 ability for Taxpayers Savings Act”.

1 **SEC. 2. REQUIREMENT FOR SUBMISSION TO CONGRESS OF**
2 **CONTRACTS PROPOSED TO BE AWARDED**
3 **USING NONCOMPETITIVE PROCEDURES.**

4 (a) NOTIFICATION TO CONGRESS.—Before the award
5 of a contract in an amount greater than \$1,000,000 using
6 procedures other than competitive procedures, the head of
7 an agency shall submit to Congress a written notification
8 that includes a copy of the contract, the proposed date
9 of award of the contract, and a detailed explanation and
10 justification of the contract.

11 (b) PERIOD FOR CONGRESSIONAL DISAPPROVAL.—
12 The head of an agency may not award a contract described
13 in subsection (a) before the expiration of 30 legislative
14 days after the date of submission by the agency of the
15 notification under subsection (a), except that the contract
16 may be entered into immediately after one of the following
17 occurs:

18 (1) Either House of Congress considers a joint
19 resolution described in section 3(a) with respect to
20 the contract and fails to pass it.

21 (2) The time period has expired for Congress to
22 reconsider such a resolution after a presidential veto,
23 and Congress did not override the veto during such
24 period.

25 (c) PROCEDURES OTHER THAN COMPETITIVE PRO-
26 CEDURES.—For purposes of this section, a contract is en-

1 tered into using procedures other than competitive proce-
2 dures if it is entered into—

3 (1) in the case of a defense contract, pursuant
4 to the authority provided under section 2304(c) of
5 title 10, United States Code; and

6 (2) in the case of any contract other than a de-
7 fense contract, pursuant to the authority provided
8 under section 303(c) of title III of the Federal Prop-
9 erty and Administrative Services Act of 1949 (41
10 U.S.C. 253(c)).

11 (d) LEGISLATIVE DAY.—In this Act, the term “legis-
12 lative day” means a day on which either House of Con-
13 gress is in session, except the term does not include any
14 day a House is in session during the period beginning on
15 the date a joint resolution described in section 3(a) is pre-
16 sented to the President and ending on the date the joint
17 resolution becomes law or is vetoed.

18 **SEC. 3. CONGRESSIONAL CONSIDERATION OF RESOLUTION**
19 **OF DISAPPROVAL OF PROPOSED CONTRACTS.**

20 (a) TERMS OF RESOLUTION.—For purposes of this
21 section, the term “joint resolution” means only a joint res-
22 olution which is introduced within the 5 legislative days
23 beginning on the date on which the head of an agency
24 submits a notification to Congress under section 2(a)
25 and—

1 (1) which does not have a preamble;

2 (2) the matter after the resolving clause of
3 which is as follows: “That Congress disapproves the
4 proposed contract as submitted by _____ on
5 _____, and such contract may not be awarded.”
6 (the blank spaces being filled in with the appropriate
7 agency head and date); and

8 (3) the title of which is as follows: “Joint reso-
9 lution disapproving proposed contract submitted by
10 _____ on _____.” (the blank spaces being filled in
11 with the appropriate agency head and date).

12 (b) DISCHARGE.—If the committee to which a resolu-
13 tion described in subsection (a) is referred has not re-
14 ported such resolution (or an identical resolution) by the
15 end of the period of 10 legislative days beginning on the
16 date on which the agency submits the notification under
17 section 2(a), such committee shall be, at the end of such
18 period, discharged from further consideration of such reso-
19 lution, and such resolution shall be placed on the appro-
20 priate calendar of the House involved.

21 (c) CONSIDERATION.—

22 (1) On or after the third day after the date on
23 which a joint resolution is reported or discharged
24 from committee pursuant to subsection (b), it is in
25 order (even though a previous motion to the same

1 effect has been disagreed to) for any Member of the
2 respective House to move to proceed to the consider-
3 ation of the resolution. A Member may make the
4 motion only on the day after the calendar day on
5 which the Member announces to the House con-
6 cerned the Member's intention to make the motion.
7 All points of order against the resolution (and
8 against consideration of the resolution) are waived.
9 The motion is highly privileged in the House of Rep-
10 resentatives and is privileged in the Senate and is
11 not debatable. The motion is not subject to amend-
12 ment, or to a motion to postpone, or to a motion to
13 proceed to the consideration of other business. A
14 motion to reconsider the vote by which the motion
15 is agreed to or disagreed to shall not be in order. If
16 a motion to proceed to the consideration of the reso-
17 lution is agreed to, the respective House shall imme-
18 diately proceed to consideration of the joint resolu-
19 tion without intervening motion, order, or other
20 business, and the resolution shall remain the unfin-
21 ished business of the respective House until disposed
22 of.

23 (2) Debate on the resolution, and on all debat-
24 able motions and appeals in connection therewith,
25 shall be limited to not more than 2 hours, which

1 shall be divided equally between those favoring and
2 those opposing the resolution. An amendment to the
3 resolution is not in order. A motion further to limit
4 debate is in order and not debatable. A motion to
5 postpone, or a motion to proceed to the consider-
6 ation of other business, or a motion to recommit the
7 resolution is not in order. A motion to reconsider the
8 vote by which the resolution is agreed to or dis-
9 agreed to is not in order.

10 (3) Immediately following the conclusion of the
11 debate on a resolution described in subsection (a)
12 and a single quorum call at the conclusion of the de-
13 bate if requested in accordance with the rules of the
14 appropriate House, the vote on final passage of the
15 resolution shall occur.

16 (4) Appeals from the decisions of the Chair re-
17 lating to the application of the rules of the Senate
18 or the House of Representatives, as the case may be,
19 to the procedure relating to a resolution described in
20 subsection (a) shall be decided without debate.

21 (d) CONSIDERATION BY OTHER HOUSE.—

22 (1) If, before the passage by one House of a
23 resolution of that House described in subsection (a),
24 that House receives from the other House a resolu-

1 tion described in subsection (a), then the following
2 procedures shall apply:

3 (A) The resolution of the other House shall
4 not be referred to a committee and may not be
5 considered in the House receiving it except in
6 the case of final passage as provided in sub-
7 paragraph (B)(ii).

8 (B) With respect to a resolution described
9 in subsection (a) of the House receiving the res-
10 olution—

11 (i) the procedure in that House shall
12 be the same as if no resolution had been
13 received from the other House; but

14 (ii) the vote on final passage shall be
15 on the resolution of the other House.

16 (2) Upon disposition of the resolution received
17 from the other House, it shall no longer be in order
18 to consider the resolution that originated in the re-
19 ceiving House.

20 (e) NATIONAL EMERGENCY.—In the case of a na-
21 tional emergency declared by the President, with respect
22 to any contract subject to this Act for which the President
23 determines there are urgent and compelling circumstances
24 requiring the award of the contract without waiting for
25 the expiration of the period of 30 legislative days under

1 section 2(b), the President may award the contract using
2 procedures other than competitive procedures pursuant to
3 the authority provided in paragraphs (2) and (6) of sec-
4 tion 2304(c) of title 10, United States Code (in the case
5 of a defense contract) or paragraphs (2) and (6) of section
6 303(c) of title III of the Federal Property and Administra-
7 tive Services Act of 1949 (41 U.S.C. 253(c) (in the case
8 of contracts other than defense contracts).

9 (f) RULES OF THE SENATE AND HOUSE.—This sec-
10 tion is enacted by Congress—

11 (1) an exercise of the rulemaking power of the
12 Senate and House of Representatives, respectively,
13 and as such it is deemed a part of the rules of each
14 House, respectively, but applicable only with respect
15 to the procedure to be followed in that House in the
16 case of a resolution described in subsection (a), and
17 it supersedes other rules only to the extent that it
18 is inconsistent with such rules; and

19 (2) with full recognition of the constitutional
20 right of either House to change the rules (so far as
21 relating to the procedure of that House) at any time,
22 in the same manner, and to the same extent as in
23 the case of any other rule of that House.

○