

110TH CONGRESS
2D SESSION

S. 2916

To ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2008

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

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 “Guaranteeing Real Ac-
5 countability in Federal Transactions Act”.

1 **SEC. 2. REQUIREMENT TO NOTIFY INSPECTORS GENERAL**
2 **OF CERTAIN VIOLATIONS RELATED TO CER-**
3 **TAIN FEDERAL CONTRACTS.**

4 (a) NOTIFICATION OF CERTAIN CONTRACT VIOLA-
5 TIONS.—

6 (1) REQUIREMENT.—A covered contractor shall
7 submit written notification to the Office of Inspector
8 General of the Executive agency that awarded the
9 covered contract whenever the contractor has rea-
10 sonable grounds to believe that the contractor, or a
11 principal, employee, agent, or subcontractor of the
12 contractor, has committed a violation of Federal
13 criminal law, or has received a significant overpay-
14 ment, in connection with the bidding for, or award
15 or performance of, the covered contract or any sub-
16 contract under the contract.

17 (2) CAUSE FOR DEBARMENT OR SUSPENSION.—
18 A knowing violation to notify an Inspector General
19 of a violation or overpayment covered by paragraph
20 (1) shall be a cause for debarment or suspension of
21 the covered contractor.

22 (3) TIMING OF NOTIFICATION.—A notification
23 under paragraph (1) shall be submitted within 14
24 days after the contractor becomes aware of the viola-
25 tion or overpayment.

1 (4) COPY OF NOTIFICATION.—A copy of any
2 notification under paragraph (1) shall be submitted
3 by the contractor to the contracting officer for the
4 contract.

5 (5) PUBLICATION.—Violations and overpay-
6 ments reported under paragraph (1) shall be listed
7 on the searchable website established and main-
8 tained under section 2(b) of the Federal Funding
9 Accountability and Transparency Act of 2006 (Pub-
10 lic Law 109–282; 31 U.S.C. 6101 note).

11 (b) ANNUAL REPORT ON VIOLATIONS AND OVERPAY-
12 MENTS.—Not later than 180 days after the date of the
13 enactment of this Act, and annually thereafter, the Direc-
14 tor of the Office of Management and Budget, in consulta-
15 tion with the heads of Executive agencies awarding cov-
16 ered contracts, shall submit to Congress a report on viola-
17 tions of Federal criminal law and significant overpayments
18 that have occurred in connection with the award or per-
19 formance of covered contracts and subcontracts under
20 such contracts.

21 **SEC. 3. RESTRICTIONS ON WHISTLEBLOWING PROHIBITED.**

22 (a) PROHIBITION.—No covered contractor may pro-
23 hibit or restrict any person from engaging in any action
24 for which a protection against reprisal is provided under
25 section 315(a) of the Federal Property and Administrative

1 Services Act of 1949 (41 U.S.C. 265(a)) or section
2 2409(a) of title 10, United States Code.

3 (b) INVALIDITY OF RESTRICTIONS ON PROTECTED
4 ACTIONS.—Any clause or provision of a covered contract
5 or an employment contract between a covered contractor
6 and an employee performing work under a covered con-
7 tract that purports to limit or restrain an individual from
8 engaging in any of the actions described in section 315(a)
9 of the Federal Property and Administrative Services Act
10 of 1949 (41 U.S.C. 265(a)) or section 2409(a) of title 10,
11 United States Code, as a condition of the contract or em-
12 ployment under the contract shall be invalid and void as
13 violative of public policy, whether in force before, on, or
14 after the date of the enactment of this Act.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) The term “covered contract” means any
18 contract in an amount greater than \$1,000,000,
19 whether performed inside or outside the United
20 States. The term includes a contract for commercial
21 items.

22 (2) The term “covered contractor” means an
23 entity performing a covered contract awarded by an
24 executive agency.

1 (3) The term “Executive agency” has the
2 meaning provided in section 105 of title 5, United
3 States Code.

4 **SEC. 5. APPLICABILITY.**

5 This Act applies to all work performed under covered
6 contracts, whether the work is performed inside or outside
7 the United States.

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