

HR 1362 RH

Union Calendar No. 22
110th CONGRESS
1st Session
H. R. 1362
[Report No. 110-47, Parts I and II]

To reform acquisition practices of the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

March 6, 2007

Mr. WAXMAN introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, 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

March 12, 2007

Reported from the Committee on Oversight and Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

March 12, 2007

Referral to the Committee on Armed Services extended for a period ending not later than March 14, 2007

March 14, 2007

Additional sponsors: Mr. TOWNS, Mr. CUMMINGS, and Mr. YARMUTH

March 14, 2007

Reported from the Committee on Armed Services with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on March 6, 2007]

A BILL

To reform acquisition practices of the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Accountability in Contracting Act'.

(b) Table of Contents- The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I--LIMITING THE USE OF ABUSE-PRONE CONTRACTS

Sec. 101. Limitation on length of noncompetitive contracts.

Sec. 102. Minimizing sole-source contracts.

Sec. 103. Minimizing cost-reimbursement type contracts.

TITLE II--INCREASING CONTRACT OVERSIGHT

Sec. 201. Public disclosure of justification and approval documents for noncompetitive contracts.

Sec. 202. Disclosure of Government contractor overcharges.

Sec. 203. Funding contract oversight.

Sec. 204. Study of acquisition workforce.

Sec. 205. Repeal of sunset of training fund.

TITLE III--PROMOTING INTEGRITY IN CONTRACTING

Sec. 301. Additional provisions relating to procurement officials.

TITLE I--LIMITING THE USE OF ABUSE-PRONE CONTRACTS

SEC. 101. LIMITATION ON LENGTH OF NONCOMPETITIVE CONTRACTS.

(a) Revision of FAR- Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary--

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) Contract Period- The regulations promulgated under subsection (a) shall require the contract period to not exceed 240 days, unless the head of the executive agency concerned determines that exceptional circumstances apply.

(c) Covered Contracts- This section applies to any contract in an amount greater than the simplified acquisition threshold entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) Definitions- In this section:

(1) The term `executive agency' has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term `head of the executive agency' means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

SEC. 102. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) Plans Required- Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the head of each agency covered by chapter 137 of title 10, United States Code, shall develop and implement a plan to minimize the use of contracts entered into using procedures other than competitive procedures by the agency concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) Comptroller General Review- The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) Requirement Limited to Certain Agencies- The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 103. MINIMIZING COST-REIMBURSEMENT TYPE CONTRACTS.

(a) Plans Required- Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the head of each agency covered by chapter 137 of title 10, United States Code, shall develop and implement a plan to minimize the use of cost-reimbursement type contracts by the agency concerned. The plan shall contain measurable goals and shall be completed and submitted to the

Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) Comptroller General Review- The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) Requirement Limited to Certain Agencies- The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

TITLE II--INCREASING CONTRACT OVERSIGHT

SEC. 201. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) Civilian Agency Contracts-

(1) IN GENERAL- Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

“(j)(1) In the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.’.

(2) CONFORMING AMENDMENT- Section 303(f) of such Act is amended--

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) Defense Agency Contracts-

(1) IN GENERAL- Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(l)(1) In the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.’.

(2) *CONFORMING AMENDMENT-* Section 2304(f) of such title is amended--

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 202. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) *Quarterly Report to Congress-*

(1) *The head of each Federal agency or department shall submit to the chairman and ranking member of each committee specified in paragraph*

(2) *on a quarterly basis a report that includes the following:*

(A) *A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of \$1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.*

(B) *The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.*

(C) *A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.*

(2) *The report described in paragraph (1) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and other committees of jurisdiction.*

(3) *Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits or other reports described in paragraph (1) were issued during that quarter.*

(b) *Submission of Individual Audits-* *The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).*

SEC. 203. FUNDING CONTRACT OVERSIGHT.

(a) *Civilian Agency Contracts-* *Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:*

`SEC. 318. REQUIREMENT FOR 1 PERCENT OF CONTRACT AMOUNTS TO BE USED FOR CONTRACT PERSONNEL, ADMINISTRATION, OVERSIGHT, AND PLANNING.

`(a) Requirement- In addition to the sums used for the purposes listed in this section during fiscal year 2006, each fiscal year, the head of an executive agency shall ensure that the agency uses an additional amount equal to 1 percent of the aggregate amount of contracts entered into by the agency during that fiscal year for the following purposes:

- `(1) Hiring and training of acquisition workforce personnel.*
- `(2) Contract planning.*
- `(3) Contract administration.*
- `(4) Contract oversight, including audits and enforcement.*

`(b) Guidelines- The Administrator for Federal Procurement Policy shall issue guidelines for executive agencies on the implementation of this section. Such guidelines shall ensure that the amount described in subsection (a) is additional funding above the fiscal year 2006 level. Such guidelines also shall provide direction to agencies on identifying priorities for the use of the additional funds.'

(b) Defense Contracts-

- (1) IN GENERAL- Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:*

`Sec. 2410q. Requirement for 1 percent of contract amounts to be used for contract personnel, administration, oversight, and planning

`(a) Requirement- In addition to the sums used for the purposes listed in this section during fiscal year 2006, each fiscal year, the head of an agency (as defined in section 2302(1) of this title) shall ensure that the agency uses an additional amount equal to 1 percent of the aggregate amount of contracts entered into by the agency during that fiscal year for the following purposes:

- `(1) Hiring and training of acquisition workforce personnel.*
- `(2) Contract planning.*
- `(3) Contract administration.*
- `(4) Contract oversight, including audits and enforcement.*

`(b) Guidelines- The Administrator for Federal Procurement Policy shall issue guidelines for agencies on the implementation of this section. Such guidelines shall ensure that the amount described in subsection (a) is additional funding above the fiscal year 2006 level. Such guidelines also shall provide direction to agencies on identifying priorities for the use of the additional funds.'

- (2) CLERICAL AMENDMENT- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
`2410q. Requirement for 1 percent of contract amounts to be used for contract personnel, administration, oversight, and planning.'*

SEC. 204. STUDY OF ACQUISITION WORKFORCE.

(a) Requirement for Study- The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring, such workforce.

(b) Report- Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 205. REPEAL OF SUNSET OF TRAINING FUND.

Subparagraph (H) of section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is repealed.

TITLE III--PROMOTING INTEGRITY IN CONTRACTING

SEC. 301. ADDITIONAL PROVISIONS RELATING TO PROCUREMENT OFFICIALS.

(a) Elimination of Loopholes That Allow Former Federal Officials to Accept Compensation From Contractors or Related Entities- Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended--

(1) in paragraph (1)--

(A) by striking `or consultant' and inserting `consultant, lawyer, or lobbyist';

(B) in subparagraph (C), by striking `personally made for the Federal agency--' and inserting `participated personally and substantially in--'; and

(2) by amending paragraph (2) to read as follows:

`(2) Paragraph (1) shall not prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph if the agency's designated ethics officer determines that--

`(A) the offer of compensation is not a reward for any action described in paragraph (1); and

`(B) acceptance of the compensation is appropriate and will not affect the integrity of the procurement process.'.

(b) Requirement for Federal Procurement Officers to Disclose Job Offers Made on Behalf of Relatives- Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after `that official' the following: `or for a relative of that official (as defined in section 3110 of title 5, United States Code)'.

(c) Requirement on Award of Government Contracts to Former Employers- Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

`(i) Prohibition on Involvement by Certain Former Contractor Employees in Procurements- An employee of the Federal Government who is a former employee of a contractor with the Federal Government shall not be personally and substantially involved with any award of a contract to the employee's former employer, or the administration of such a contract, for the one-year period beginning on the date on which the employee leaves the employment of the contractor, unless the employee has received a waiver from the agency's designated ethics officer. In determining whether to issue a waiver, the designated ethics officer shall take into account the agency's need for the involvement of the employee and the impact a waiver would have on public confidence in the integrity of the procurement process.'

(d) Regulations- Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end the following new subsection:

`(j) Regulations- The Administrator, in consultation with the Director of the Office of Government Ethics, shall--

`(1) promulgate regulations to carry out and ensure the enforcement of this section; and

`(2) monitor and investigate individual and agency compliance with this section.'

(e) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (a)(1)(B) shall apply to individuals who terminate Government service after March 31, 2007.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the `Accountability in Contracting Act'.

(b) Table of Contents- The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I--IMPROVING THE QUALITY OF CONTRACTS

Sec. 101. Limitation on length of noncompetitive contracts.

Sec. 102. Minimizing sole-source contracts.

Sec. 103. Maximizing fixed-price procurement contracts.

TITLE II--INCREASING CONTRACT OVERSIGHT

Sec. 201. Public disclosure of justification and approval documents for noncompetitive contracts.

Sec. 202. Disclosure of Government contractor audit findings.

Sec. 203. Study of acquisition workforce.

Sec. 204. Repeal of sunset of training fund.

TITLE III--PROMOTING INTEGRITY IN CONTRACTING

Sec. 301. Additional provisions relating to procurement officials.

TITLE I--IMPROVING THE QUALITY OF CONTRACTS

SEC. 101. LIMITATION ON LENGTH OF NONCOMPETITIVE CONTRACTS.

(a) Revision of FAR- Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary--

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) Contract Period- The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) Covered Contracts- This section applies to any contract in an amount greater than \$1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) Definitions- In this section:

(1) The term 'executive agency' has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term 'head of the executive agency' means the head of an executive agency except that, in the case of the Department of Defense, the term means--

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 102. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) Plans Required- Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive

procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) Comptroller General Review- The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) Requirement Limited to Certain Agencies- The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 103. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.

(a) Plans Required- Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) Comptroller General Review- The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) Requirement Limited to Certain Agencies- The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

TITLE II--INCREASING CONTRACT OVERSIGHT

SEC. 201. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) Civilian Agency Contracts-

(1) IN GENERAL- Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

`(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

`(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting `30 days' for `14 days'.

`(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

`(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.'

(2) CONFORMING AMENDMENT- Section 303(f) of such Act is amended--

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) Defense Agency Contracts-

(1) IN GENERAL- Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

`(l)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

`(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting `30 days' for `14 days'.

`(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

`(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.'

(2) CONFORMING AMENDMENT- Section 2304(f) of such title is amended--

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 202. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) Quarterly Report to Congress-

(1) The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of \$10,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to--

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) Submission of Individual Audits-

(1) The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

SEC. 203. STUDY OF ACQUISITION WORKFORCE.

(a) Requirement for Study- The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) Report- Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 204. REPEAL OF SUNSET OF TRAINING FUND.

Subparagraph (H) of section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is repealed.

TITLE III--PROMOTING INTEGRITY IN CONTRACTING

SEC. 301. ADDITIONAL PROVISIONS RELATING TO PROCUREMENT OFFICIALS.

(a) Elimination of Loopholes That Allow Former Federal Officials to Accept Compensation From Contractors or Related Entities- Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended--

(1) in paragraph (1) by striking 'or consultant' and inserting 'consultant, lawyer, or lobbyist'; and

(2) by amending paragraph (2) to read as follows:

'(2) Paragraph (1) shall not prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph if the agency's designated ethics officer determines that the former official's acceptance of compensation would not damage public confidence in the integrity of the procurement process.'

(b) Requirement for Federal Procurement Officers to Disclose Job Offers Made on Behalf of Relatives- Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is

amended by inserting after `that official' the following: `or for a relative of that official (as defined in section 3110 of title 5, United States Code)'.

(c) Requirement on Award of Government Contracts to Former Employers- Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

`(i) Prohibition on Involvement by Certain Former Contractor Employees in Procurements- An employee of the Federal Government who is a former employee of a contractor with the Federal Government shall not be personally and substantially involved with any award of a contract to the employee's former employer for the one-year period beginning on the date on which the employee leaves the employment of the contractor unless the employee has received a waiver from the agency's designated ethics officer. In determining whether to issue a waiver, the designated ethics officer shall take into account the agency's need for the involvement of the employee and the impact a waiver would have on public confidence in the integrity of the procurement process.'

(d) Regulations- Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end the following new subsection:

`(j) Regulations- The Administrator, in consultation with the Director of the Office of Government Ethics, shall--

 `(1) promulgate regulations to carry out and ensure the enforcement of this section; and

 `(2) monitor and investigate individual and agency compliance with this section.'

(e) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act.

Union Calendar No. 22

110th CONGRESS
1st Session
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[Report No. 110-47, Parts I and II]
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March 14, 2007

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