

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3033
OFFERED BY MR. TOWNS OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Contractors and Fed-
3 eral Spending Accountability Act of 2008”.

**4 SEC. 2. DATABASE FOR CONTRACTING OFFICERS AND SUS-
5 PENSION AND DEBARMENT OFFICIALS.**

6 (a) IN GENERAL.—Subject to the authority, direc-
7 tion, and control of the Director of the Office of Manage-
8 ment and Budget, the Administrator of General Services
9 shall establish and maintain a database of information re-
10 garding integrity and performance of Federal contracts
11 and grant recipients for use by Federal officials having
12 authority over contracts and grants.

13 (b) INFORMATION INCLUDED.—The database—

14 (1) shall consist of information regarding civil,
15 criminal, and administrative proceedings concluded
16 by the Federal Government and State governments
17 against Federal contractors or grant recipients; and

1 (2) shall include with respect to each person
2 awarded a Federal contract or grant—

3 (A) information regarding all proceedings
4 referred to in paragraph (1) against that person
5 in at least the most recent 5-year period;

6 (B) with respect to each proceeding—

7 (i) a brief description of the pro-
8 ceeding; and

9 (ii) any amount paid by the person to
10 the Federal Government or a State govern-
11 ment;

12 (C) all Federal contracts and grants
13 awarded to the person that were terminated in
14 such period due to default;

15 (D) all Federal suspensions and
16 debarments of the person in that period;

17 (E) all administrative agreements signed
18 with the person in that period; and

19 (F) all final findings by a Federal official
20 in that period that the person is not a respon-
21 sible source as defined by section 4(7) of the
22 Office of Federal Procurement Policy Act (41
23 U.S.C. 403(7)).

24 (c) REQUIREMENTS RELATING TO INFORMATION IN
25 DATABASE.—

1 (1) DIRECT INPUT AND UPDATE.—The Admin-
2 istrator shall design and maintain the database in a
3 manner that allows the appropriate officials of each
4 Federal agency to directly input and update in the
5 database information relating to actions it has taken
6 with regard to contractors or grant recipients.

7 (2) TIMELINESS AND ACCURACY.—The Admin-
8 istrator shall develop policies to require the timely
9 and accurate input of information into the database
10 and to allow Federal contractors and grant recipi-
11 ents to append comments to information in the data-
12 base.

13 (d) AVAILABILITY.—

14 (1) AVAILABILITY TO ALL FEDERAL AGEN-
15 CIES.—The Administrator shall make the database
16 available to all Federal agencies.

17 (2) AVAILABILITY TO THE PUBLIC.—The Ad-
18 ministrator shall make the database available to the
19 public by posting the database on the General Serv-
20 ices Administration website.

21 (3) LIMITATION.—This subsection does not re-
22 quire the public availability of information that is
23 exempt from public disclosure under section 552(b)
24 of title 5, United States Code.

1 **SEC. 3. SUSPENSION AND DEBARMENT PROCEDURE FOR**
2 **REPEAT VIOLATORS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, Federal suspension and debarment regu-
5 lations shall be amended to require issuance of a notice
6 of proposed debarment to any contractor or grant recipi-
7 ent against whom is rendered, twice within any 3-year pe-
8 riod, a judgment or conviction for the same offense, or
9 similar offenses, if each judgment or conviction constitutes
10 a cause for debarment.

11 **SEC. 4. DISCLOSURE IN APPLICATIONS.**

12 (a) REQUIREMENT.—Not later than 180 days after
13 the date of the enactment of this Act, Federal regulations
14 shall be amended to require that in applying for any Fed-
15 eral grant or submitting a proposal or bid for any Federal
16 contract a person shall disclose in writing information de-
17 scribed in section 2(b).

18 (b) COVERED CONTRACTS AND GRANTS.—This sec-
19 tion shall apply only to contracts and grants in an amount
20 greater than the simplified acquisition threshold, as de-
21 fined in section 4(11) of the Office of Federal Procure-
22 ment Policy Act (41 U.S.C. 401(11)).

23 **SEC. 5. ROLE OF INTERAGENCY COMMITTEE.**

24 (a) REQUIREMENT.—The Interagency Committee on
25 Debarment and Suspension shall—

1 (1) resolve issues regarding which of several
2 Federal agencies is the lead agency having responsi-
3 bility to initiate suspension or debarment pro-
4 ceedings;

5 (2) coordinate actions among interested agen-
6 cies with respect to such action;

7 (3) encourage and assist Federal agencies in
8 entering into cooperative efforts to pool resources
9 and achieve operational efficiencies in the govern-
10 mentwide suspension and debarment system;

11 (4) recommend to the Office of Management
12 and Budget changes to Government suspension and
13 debarment system and its rules, if such rec-
14 ommendations are approved by a majority of the
15 Interagency Committee;

16 (5) authorize the Office of Management and
17 Budget to issue guidelines that implement those rec-
18 ommendations;

19 (6) authorize the chair of the Committee to es-
20 tablish subcommittees as appropriate to best enable
21 the Interagency Committee to carry out its func-
22 tions; and

23 (7) submit to the Congress an annual report
24 on—

1 (A) the progress and efforts to improve the
2 suspension and debarment system;

3 (B) member agencies' active participation
4 in the committee's work; and

5 (C) a summary of each agency's activities
6 and accomplishments in the governmentwide de-
7 barment system.

8 (b) DEFINITION.—The term “Interagency Committee
9 on Debarment and Suspension” means such committee
10 constituted under sections 4 and 5 and of Executive Order
11 12549.

12 **SEC. 6. AUTHORIZATION OF INDEPENDENT AGENCIES.**

13 Any agency, commission, or organization of the Fed-
14 eral Government to which Executive Order 12549 does not
15 apply is authorized to participate in the governmentwide
16 suspension and debarment system and may recognize the
17 suspension or debarment issued by an executive branch
18 agency in its own procurement or assistance activities.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Ad-
21 ministrator of General Services such funds as may be nec-
22 essary to establish the database described in section 2.

23 **SEC. 8. REPORT TO CONGRESS.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Adminis-

1 trator of General Services shall submit to Congress a re-
2 port.

3 (b) CONTENTS OF REPORT.—The report shall con-
4 tain the following:

5 (1) A list of all databases that include informa-
6 tion about Federal contracting and Federal grants.

7 (2) Recommendations for further legislation or
8 administrative action that the Administrator con-
9 siders appropriate to create a centralized, com-
10 prehensive Federal contracting and Federal grant
11 database.