

111TH CONGRESS
2D SESSION

S. 3323

To improve the management and oversight of Federal contracts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2010

Mr. FEINGOLD (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve the management and oversight of Federal contracts, and for other purposes.

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 “Federal Contracting
5 Oversight and Reform Act of 2010”.

6 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
7 **FINED.**

8 In this Act, the term “appropriate congressional com-
9 mittees” means the Committee on Homeland Security and
10 Governmental Affairs of the Senate and the Committee

1 on Oversight and Government Reform of the House of
2 Representatives.

3 **SEC. 3. CONGRESSIONAL OVERSIGHT.**

4 Section 872(e)(1) of the Clean Contracting Act of
5 2008 (subtitle G of title VIII of Public Law 110–417; 41
6 U.S.C. 417b(e)(1)) is amended by striking “to the Chair-
7 man and Ranking Member of the committees of Congress
8 having jurisdiction” and inserting “to any Member of Con-
9 gress”.

10 **SEC. 4. COMPLIANCE.**

11 (a) **SELF-REPORTING REQUIREMENT.**—Section
12 872(f) of the Clean Contracting Act of 2008 (subtitle G
13 of title VIII of Public Law 110–417; 41 U.S.C. 417b(f)
14 is amended to read as follows:

15 “(f) **SELF-REPORTING REQUIREMENT.**—

16 “(1) **CONTRACTS IN EXCESS OF SIMPLIFIED AC-**
17 **QUISITION THRESHOLD.**—No funds appropriated or
18 otherwise made available by any Act may be used for
19 any Federal contract for the procurement of prop-
20 erty or services in excess of the simplified acquisition
21 threshold unless the contractor has first made the
22 certifications set forth in section 52.209–5 of the
23 Federal Acquisition Regulation.

24 “(2) **CONTRACTS IN EXCESS OF \$500,000.**—No
25 funds appropriated or otherwise made available by

1 any Act may be used for any Federal contract for
2 the procurement of property or services in excess of
3 \$500,000 unless the contractor—

4 “(A) certifies that the contractor has sub-
5 mitted to the Administrator the information re-
6 quired under subsection (c) and that such infor-
7 mation is current as of the date of such certifi-
8 cation; or

9 “(B) certifies that the contractor has cu-
10 mulative active Federal contracts and grants
11 with a total value of less than \$10,000,000.”.

12 (b) PERIODIC INSPECTION OR REVIEW OF CONTRACT
13 FILES.—Section 872(e)(2) of the Clean Contracting Act
14 of 2008 (subtitle G of title VIII of Public Law 110–417;
15 41 U.S.C. 417b(e)(2)) is amended by adding at the end
16 the following new subparagraph:

17 “(C) PERIODIC INSPECTION OR REVIEW.—
18 The Inspector General of each Federal agency
19 shall periodically—

20 “(i) conduct an inspection or review of
21 the contract files required under subpara-
22 graph (B) to determine if the agency is
23 providing appropriate consideration of the
24 information included in the database cre-
25 ated pursuant to subsection (c); and

1 “(ii) submit a report containing the
2 results of the inspection or review con-
3 ducted under clause (i) to the Committee
4 on Homeland Security and Governmental
5 Affairs of the Senate and the Committee
6 on Oversight and Government Reform of
7 the House of Representatives.”.

8 (c) ANNUAL REPORT.—The Comptroller General of
9 the United States shall annually submit a report to the
10 appropriate congressional committees describing the ex-
11 tent to which suspended or debarred contractors on the
12 Excluded Parties List System—

13 (1) are identified as having received Federal
14 contracts on USAspending.gov; or

15 (2) were granted waivers from Federal agencies
16 from suspension or debarment for purposes of enter-
17 ing into Federal contracts.

18 **SEC. 5. CONSOLIDATION OF CONTRACTING INFORMATION**
19 **DATABASES.**

20 (a) IN GENERAL.—Not later than one year after the
21 date of the enactment of this Act, the Director of the Of-
22 fice of Management and Budget, in consultation with the
23 Administrator of General Services, shall submit to the ap-
24 propriate congressional committees a plan for integrating
25 and consolidating existing contracting information data-

1 bases, including the databases set forth in subsection (b),
2 into a single searchable and linked network.

3 (b) INCLUDED DATABASES.—The single network de-
4 scribed in subsection (a) shall include information from
5 all relevant contracting information databases, includ-
6 ing—

7 (1) the Excluded Parties List System (EPLS);

8 (2) the Central Contractor Registry (CCR);

9 (3) the Contractor Performance Assessment Re-
10 porting System (CPARS);

11 (4) the Federal Assistance Award Data System
12 (FAADS);

13 (5) the Federal Awardee Performance and In-
14 tegrity Information System (FAPIIS);

15 (6) the Federal Business Opportunities Data-
16 base (FBO);

17 (7) the Federal Procurement Data System-Next
18 Generation (FPDS-NG);

19 (8) the Past Performance Information Retrieval
20 System (PPIRS); and

21 (9) USAspending.gov.

22 **SEC. 6. UNIQUE IDENTIFYING NUMBER.**

23 (a) STUDY.—The Inspector General of the General
24 Services Administration shall conduct a study on the use
25 of identifying numbers for Federal contractors to—

1 (1) determine if the system of contractor identi-
2 fying numbers in use as of the date of the enactment
3 of this Act is adequately tracking Federal contrac-
4 tors;

5 (2) assess the feasibility of developing and
6 adopting a new unique Federal contractor identifica-
7 tion system; and

8 (3) determine whether such a system would
9 more effectively track Federal contractors.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Inspector General shall
12 submit to the appropriate congressional committees a re-
13 port on the study conducted under subsection (a).

14 **SEC. 7. DATABASE SCOPE.**

15 Section 872(c) of the Clean Contracting Act of 2008
16 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C.
17 417(c)) is amended—

18 (1) in the matter preceding paragraph (1), by
19 striking “5-year period” and inserting “10-year pe-
20 riod”; and

21 (2) in paragraph (1)—

22 (A) in the matter preceding subparagraph
23 (A), by striking “with the Federal Govern-
24 ment”;

1 (B) in subparagraph (C), by striking “In
2 an administrative proceeding, a finding of fault
3 and liability” and inserting “An administrative
4 proceeding”; and

5 (C) in subparagraph (D), by striking “with
6 an acknowledgment of fault by the person”.

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