

HR 1362

Accountability in Contracting Act

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 6, 2007

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Mar 15, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/1362>

Sponsor

Name: Rep. Waxman, Henry A. [D-CA-30]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Mar 9, 2007
Rep. Towns, Edolphus [D-NY-10]	D · NY		Mar 9, 2007
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Mar 12, 2007

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Reported By	Mar 14, 2007
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Mar 15, 2007
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Dec 5, 2007
Oversight and Government Reform Committee	House	Reported By	Mar 13, 2007

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
110 S 680	Related bill	Nov 8, 2007: Held at the desk.
110 HRES 242	Procedurally related	Mar 15, 2007: Motion to reconsider laid on the table Agreed to without objection.

Accountability in Contracting Act - **Title I: Improving the Quality of Contracts** - (Sec. 101) Requires the revision of the Federal Acquisition Regulation (FAR) within one year after the enactment of this Act to restrict the contract period of certain noncompetitive federal contracts in excess of \$1 million to the minimum contract period necessary to: (1) meet the urgent and compelling requirements of the work to be performed under such contract; and (2) enter into another contract through the use of competitive procedures. Requires FAR to limit noncompetitive contract periods to not more than 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.

(Sec. 102) Requires certain executive agency heads (including the Under Secretary of Defense for Acquisition, Technology, and Logistics) who award contracts in a total amount of at least \$1 billion to develop and implement plans to minimize the use of noncompetitive contracts. Requires such plans to contain measurable goals and to be submitted to specified oversight and other committees of Congress and the Comptroller General. Requires the Comptroller General to review and report to Congress on such plans. Exempts certain contracts entered into under the Small Business Act and other small business programs for HUBZone small business concerns and disabled veterans.

(Sec. 103) Requires certain executive agency heads (including the Under Secretary of Defense for Acquisition, Technology, and Logistics) who award contracts in a total amount of at least \$1 billion to develop and implement plans to maximize the use of fixed-price type contracts for the procurement of goods and services. Requires such plans to contain measurable goals and to be submitted to specified oversight and other committees of Congress and the Comptroller General. Requires the Comptroller General to review and report to Congress on such plans.

Title II: Increasing Contract Oversight - (Sec. 201) Amends the Federal Property and Administrative Services Act of 1949 to require executive agency heads (including Defense Department agency heads) to make publicly available (on the website of the agency and through the Federal Procurement Data System) certain justification and approval documents for using noncompetitive contract procedures within 14 days after the award of a contract. Requires public disclosure of such documents for contracts awarded on the basis of urgent and compelling needs within 30 days of a contract award.

(Sec. 202) Requires the head of each federal agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit to specified congressional committees quarterly reports on audits of contractor costs and performance.

(Sec. 203) Requires the Administrator for Federal Procurement Policy to: (1) conduct a study of the composition, scope, and functions of the government-wide acquisition workforce and develop a comprehensive definition of such workforce; and (2) report to specified congressional committees on such study with recommendations.

(Sec. 204) Makes permanent the authority for the acquisition workforce training fund.

(Sec. 205) Requires a federal agency that intends to award a noncompetitive contract to a foreign-owned company based in a country that has repeatedly provided support for acts of international terrorism to notify specified congressional committees at least 30 days before awarding such contract.

(Sec. 206) Prohibits an executive agency from awarding a contract to an institution of higher education that has a policy or practice that prohibits or prevents access to its students for the purpose of military recruiting. Exempts educational institutions that have a longstanding policy of pacifism based on historical religious affiliation.

Title III: Promoting Integrity in Contracting - (Sec. 301) Amends the Office of Federal Procurement Policy Act to: (1) prohibit former federal officials from accepting compensation from contractors as lawyers or lobbyists; (2) allow former federal officials to accept compensation from any division or affiliate of a contractor that does not produce the same or similar products or services if a designated ethics officer determines that the acceptance of such compensation would not damage public confidence in the integrity of the procurement process; (3) require federal procurement officers to disclose job offers made to their relatives; (4) prohibit federal employees who are former employees of a federal contractor from being personally and substantially involved with any award of a contract to their former employer, or in the administration of such contract at a senior personnel level, for one year after the federal employee leaves the employment of the contractor unless a waiver is granted; and (5) require the Administrator of the Office of Federal Procurement Policy to promulgate regulations to enforce these requirements and monitor and investigate individual and agency compliance.

(Sec. 302) Requires the Director of the Office of Government Ethics to submit a report to Congress, , with the Director's recommendations, on requiring government contractors that advise federal agencies on procurement policy and federally funded research and development centers to comply with restrictions on personal financial interests.

Actions Timeline

- **Mar 15, 2007:** Rule H. Res. 242 passed House.
- **Mar 15, 2007:** Considered under the provisions of rule H. Res. 242. (consideration: CR H2578-2597; text of measure as reported in House: CR H2590-2592)
- **Mar 15, 2007:** Rule provides for consideration of H.R. 1362 with 1 hour and 20 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. All points of order against that amendment in the nature of a substitute are waived except those arising under clauses 9 or 10 or rule XXI.
- **Mar 15, 2007:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 242 and Rule XVIII.
- **Mar 15, 2007:** The Speaker designated the Honorable Hilda L. Solis to act as Chairwoman of the Committee.
- **Mar 15, 2007:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour and twenty minutes of general debate on H.R. 1362.
- **Mar 15, 2007:** DEBATE - Pursuant to the provisions of H. Res. 242, the Committee of the Whole proceeded with 10 minutes of debate on the Matheson amendment.
- **Mar 15, 2007:** DEBATE - Pursuant to the provisions of H. Res. 242, the Committee of the Whole proceeded with 10 minutes of debate on the Castle amendment.
- **Mar 15, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1362.
- **Mar 15, 2007:** The previous question was ordered pursuant to the rule. (consideration: CR H2595)
- **Mar 15, 2007:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Mar 15, 2007:** Mr. Davis, Tom moved to recommit with instructions to Oversight and Government. (consideration: CR H2595-2597; text: CR H2595)
- **Mar 15, 2007:** DEBATE - The House proceeded with 10 minutes of debate on the Tom Davis (VA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment inserting prohibition on contracts to educational institutions not supporting U.S. defense efforts.
- **Mar 15, 2007:** The previous question on the motion was ordered pursuant to the rule. (consideration: CR H2596)
- **Mar 15, 2007:** On motion to recommit with instructions Agreed to by the Yeas and Nays: 309 - 114 (Roll no. 155).
- **Mar 15, 2007:** Passed/agreed to in House: On passage Passed by recorded vote: 347 - 73 (Roll no. 156).
- **Mar 15, 2007:** On passage Passed by recorded vote: 347 - 73 (Roll no. 156).
- **Mar 15, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 15, 2007:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Mar 14, 2007:** Reported (Amended) by the Committee on Armed Services. H. Rept. 110-47, Part II.
- **Mar 14, 2007:** Placed on the Union Calendar, Calendar No. 22.
- **Mar 14, 2007:** Rules Committee Resolution H. Res. 242 Reported to House. Rule provides for consideration of H.R. 1362 with 1 hour and 20 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. All points of order against that amendment in the nature of a substitute are waived except those arising under clauses 9 or 10 or rule XXI.
- **Mar 13, 2007:** Committee Consideration and Mark-up Session Held.
- **Mar 13, 2007:** Ordered to be Reported (Amended) by the Yeas and Nays: 53 - 0.
- **Mar 12, 2007:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 110-47, Part I.
- **Mar 12, 2007:** House Committee on Armed Services Granted an extension for further consideration ending not later than March 14, 2007.
- **Mar 8, 2007:** Committee Consideration and Mark-up Session Held.

Mar 8, 2007: Ordered to be Reported in the Nature of a Substitute by Voice Vote.

- **Mar 6, 2007:** Introduced in House
- **Mar 6, 2007:** 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.