

S 3139

Oversight of the Performance and Effectiveness of National Contracting Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jun 16, 2008

Current Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Latest Action: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Jun 16, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/3139>

Sponsor

Name: Sen. Clinton, Hillary Rodham [D-NY]

Party: Democratic • **State:** NY • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jun 16, 2008

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Oversight of the Performance and Effectiveness of National Contracting Act of 2008 - States the policy of the U.S. government concerning the award of contracts or grants to companies organized in an offshore secrecy jurisdiction to avoid federal tax obligations. Prohibits such awards. Requires the Director of the Office of Management and Budget (OMB) and the Secretary of the Treasury to adopt and revise regulations and guidance as necessary to effect this prohibition.

Prohibits for one year (with exceptions) entry into or approval of any contract or subcontract with a company that files periodic reports under the Securities Exchange Act of 1934 and that has failed to certify the most recently due financial report as required by the Sarbanes-Oxley Act of 2002.

Prohibits award of a contract with an executive agency unless the contracting officer determines that the prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

Prohibits entry into a covered contract (one in excess of \$500,000 for the performance of functions closely associated with governmental functions) without a conflicts of interest clause described in this Act.

Requires every contract that provides for award fees to link the fees to successful acquisition outcomes.

Directs the Administrator of General Services to maintain a database of information regarding integrity and performance of persons awarded federal contracts and grants for use by federal officials having authority over contracts and grants.

Requires the OMB Director to maintain on the USASpending.gov website specified details concerning contractors, including information about the types of work, personnel involved, prices, fees, and performance.

Requires the Inspectors General of the Departments of Defense (DOD) and of Homeland Security to report to Congress on functions of the respective departments that are inherently governmental functions or closely associated with the performance of such functions and performed by contractor personnel. Requires the Secretaries of the departments to report plans for staffing such functions with department personnel and to incrementally increase staffing of such functions by their personnel.

Actions Timeline

- **Jun 16, 2008:** Introduced in Senate
- **Jun 16, 2008:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.