

110TH CONGRESS
1ST SESSION

S. 680

To ensure proper oversight and accountability in Federal contracting, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2007

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, and
Mrs. McCASKILL) introduced the following bill; which was read twice and
referred to the Committee on Homeland Security and Governmental Af-
fairs

A BILL

To ensure proper oversight and accountability in Federal
contracting, 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 “Accountability in Gov-
5 ernment Contracting Act of 2007”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—CONTRACTING AND ACQUISITION REFORM

Subtitle A—Acquisition Workforce

Sec. 101. Federal acquisition workforce.

Subtitle B—Competition and Accountability

- Sec. 111. Competition in multiple award contracts.
 Sec. 112. Statement of work requirements for certain task or delivery orders.
 Sec. 113. Postaward briefings for task and delivery orders.
 Sec. 114. Protests of task and delivery orders.
 Sec. 115. Publication of justification and approval documents.
 Sec. 116. Limitation on length of certain noncompetitive contracts.
 Sec. 117. Prohibition on award of certain large task or delivery order contracts for services.
 Sec. 118. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.
 Sec. 119. Plan for minimizing cost-reimbursement contracts.

Subtitle C—Accountability and Administration

- Sec. 121. Recording of obligations on task order contracts.
 Sec. 122. Definitizing of letter contracts.
 Sec. 123. Preventing abuse of interagency contracts.
 Sec. 124. Purchase card waste elimination.
 Sec. 125. Lead systems integrators.
 Sec. 126. Limitations on tiering of subcontractors.
 Sec. 127. Reform of Afghanistan assistance programs.
 Sec. 128. Debarment of contractors that are serious threats to national security.
 Sec. 129. Required assignment of level one certified program managers to Department of Homeland Security level one programs.
 Sec. 130. Elimination of one-year limitation on interest due on late payments to contractors.

TITLE II—INSPECTORS GENERAL REFORMS

- Sec. 201. Prohibition of cash bonus or awards.
 Sec. 202. Inspectors General at level III of executive schedule.
 Sec. 203. Qualifications of Inspectors General for designated Federal entities.
 Sec. 204. Removal of Inspectors General for designated Federal entities.
 Sec. 205. Subpoena power.
 Sec. 206. Program Fraud Civil Remedies Act.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) The term “executive agency” has the mean-
 4 ing given such term in section 4 of the Office of
 5 Federal Procurement Policy Act (41 U.S.C. 403).

6 (2) The term “interagency acquisition” means
 7 a procedure by which an executive agency needing

1 supplies or services (the requesting agency) obtains
2 them from another executive agency (the servicing
3 agency). The term includes acquisitions under sec-
4 tion 1535 of title 31, United States Code (commonly
5 referred to as the “Economy Act”), Federal Supply
6 Schedules, and governmentwide acquisition con-
7 tracts.

8 (3) The term “micro-purchase” means a pur-
9 chase in an amount not in excess of the micro-pur-
10 chase threshold, as defined in section 32 of the Of-
11 fice of Federal Procurement Policy Act (41 U.S.C.
12 428).

13 (4) The term “multiple award contract”
14 means—

15 (A) a contract that is entered into by the
16 Administrator of General Services under the
17 multiple award schedule program referred to in
18 section 309(b)(3) of the Federal Property and
19 Administrative Services Act of 1949 (41 U.S.C.
20 259(b)(3));

21 (B) a multiple award task order contract
22 that is entered into under the authority of sec-
23 tions 2304a through 2304d of title 10, United
24 States Code, or sections 303H through 303K of
25 the Federal Property and Administrative Serv-

1 ices Act of 1949 (41 U.S.C. 253h through
2 253k); and

3 (C) any other indefinite delivery, indefinite
4 quantity contract that is entered into by the
5 head of an executive agency with 2 or more
6 sources pursuant to the same solicitation.

7 **TITLE I—CONTRACTING AND**
8 **ACQUISITION REFORM**

9 **Subtitle A—Acquisition Workforce**

10 **SEC. 101. FEDERAL ACQUISITION WORKFORCE.**

11 (a) ASSISTANT ADMINISTRATOR FOR ACQUISITION
12 WORKFORCE PROGRAMS.—Section 6 of the Office of Fed-
13 eral Procurement Policy Act (41 U.S.C. 405) is amended
14 by adding at the end the following new subsection:

15 “(1) The Administrator shall designate a member of
16 the Senior Executive Service as the Assistant Adminis-
17 trator for Workforce Programs. The Assistant Adminis-
18 trator shall be responsible for—

19 “(1) supervising the acquisition workforce
20 training fund established under section 37(h)(3);

21 “(2) administering the governmentwide acquisi-
22 tion intern program established under section 43;

23 “(3) developing, in coordination with Chief Ac-
24 quisition Officers and Chief Human Capital Officers,

1 a human capital strategic plan for the acquisition
2 workforce of the Federal Government;

3 “(4) recommending to the Administrator and
4 other senior government officials appropriate pro-
5 grams, policies, and practices to increase the quan-
6 tity and quality of the Federal acquisition workforce;
7 and

8 “(5) carrying out such other functions as the
9 Administrator may assign.”.

10 (b) GOVERNMENTWIDE ACQUISITION INTERN PRO-
11 GRAM.—The Office of Federal Procurement Policy Act
12 (41 U.S.C. 403 et seq.) is amended by adding at the end
13 the following new section:

14 **“SEC. 43. GOVERNMENTWIDE ACQUISITION INTERN PRO-**
15 **GRAM.**

16 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
17 trator shall establish a governmentwide acquisition intern
18 program (in this section referred to as the ‘program’) to
19 strengthen the Federal acquisition workforce to carry out
20 its key missions through the Federal procurement process,
21 with an annual goal of involving as many as 200 college
22 graduates per year in the program.

23 “(b) ADMINISTRATION OF PROGRAM.—The Assistant
24 Administrator for Acquisition Workforce Programs des-
25 ignated under section 6(l) shall be responsible for the

1 management, oversight, and administration of the pro-
2 gram and shall give strong consideration to existing simi-
3 lar programs and seek to build upon those programs in-
4 stead of replacing them.

5 “(c) BUSINESS-RELATED COURSE WORK REQUIRE-
6 MENT.—

7 “(1) IN GENERAL.—Each participant in the
8 program shall have completed 24 credit hours of
9 business-related college course work by not later
10 than 3 years after admission into the program.

11 “(2) CERTIFICATION CRITERIA.—The Adminis-
12 trator shall establish criteria for certifying the com-
13 pletion of the course work requirement under para-
14 graph (1).

15 “(d) STRUCTURE OF PROGRAM.—The program shall
16 consist of one year of preparatory education and training
17 in Federal procurement followed by 3 years of on-the-job
18 training and development focused on Federal procurement
19 but including rotational assignments in other functional
20 areas.

21 “(e) EMPLOYMENT STATUS OF INTERNS.—Interns
22 participating in the program shall be considered proba-
23 tionary employees without civil service protections under
24 chapter 33 of title 5, United States Code. In administering
25 any personnel ceiling applicable to an executive agency or

1 a unit of an executive agency, an individual assigned as
2 an intern under the program shall not be counted.

3 “(f) AGENCY MANAGEMENT OF PROGRAM.—The
4 Chief Acquisition Officer of each executive agency, in con-
5 sultation with the Chief Human Capital Officer of such
6 agency, shall establish a central intern management func-
7 tion in the agency to supervise and manage interns partici-
8 pating in the program.”.

9 (c) ACQUISITION FELLOWSHIP PROGRAM.—

10 (1) IN GENERAL.—The Director of the Office of
11 Personnel Management shall establish an Acquisi-
12 tion Fellowship Program that provides funding for
13 tuition, room and board, and a stipend for out-
14 standing students and professionals who make a
15 commitment to serve in the acquisition and con-
16 tracting fields of the Federal Government for a pe-
17 riod of 3 years.

18 (2) SERVICE AGREEMENTS.—The providing of
19 funding under this section shall be contingent upon
20 an individual entering into a written agreement to
21 complete 3 years of service in the acquisition and
22 contracting fields.

23 (3) REPAYMENT REQUIREMENT.—Candidates
24 who do not successfully complete the program, or do
25 not fulfill the Federal work requirements in such

1 fields, shall be obligated to reimburse the funds pro-
2 vided.

3 (d) GOVERNMENT-INDUSTRY EXCHANGE PRO-
4 GRAM.—The Office of Federal Procurement Policy Act
5 (41 U.S.C. 403 et seq.), as amended by subsection (b),
6 is further amended by adding at the end the following new
7 section:

8 **“SEC. 44. GOVERNMENT-INDUSTRY EXCHANGE PROGRAM.**

9 “(a) IN GENERAL.—The Administrator shall, in co-
10 ordination with the Director of the Office of Personnel
11 Management, establish a Federal Government-industry ex-
12 change program for acquisition professionals that includes
13 exceptional Government contracting officers.

14 “(b) WORKFORCE DEVELOPMENT.—

15 “(1) IN GENERAL.—In implementing the pro-
16 gram established under subsection (a), the Adminis-
17 trator shall—

18 “(A) analyze, on an ongoing basis, the per-
19 sonnel needs of the Federal Government related
20 to acquisition and contracting;

21 “(B) identify where current acquisition
22 and contracting training do not satisfy the per-
23 sonnel needs described in subparagraph (A);

24 “(C) oversee the development of curricula,
25 training methods, and training priorities that

1 correspond to the projected personnel needs of
2 the Federal Government related to acquisition
3 and contracting; and

4 “(D) assess the training of Federal em-
5 ployees in acquisition and contracting dis-
6 ciplines in order to ensure that the acquisition
7 and contracting needs of the Federal Govern-
8 ment are addressed.

9 “(2) ACQUISITION AND CONTRACTING TRAINING
10 PROGRAMS.—The head of each executive agency,
11 after consultation with the Administrator, shall es-
12 tablish and operate acquisition and contracting
13 training programs consistent with the requirements
14 of this subsection. Such programs shall—

15 “(A) have curricula covering a broad range
16 of acquisition and contracting disciplines cor-
17 responding to the specific acquisition and con-
18 tracting needs of the agency involved;

19 “(B) be developed and applied according to
20 rigorous standards; and

21 “(C) be designed to maximize efficiency,
22 through the use of self-paced courses, online
23 courses, on-the-job training, and the use of re-
24 mote instructors, wherever such features can be
25 applied without reducing the effectiveness of the

1 training or negatively impacting academic
2 standards.

3 “(3) GOVERNMENTWIDE POLICIES AND EVAL-
4 UATION.—The Administrator, in coordination with
5 the Director of the Office of Management and Budg-
6 et, shall issue policies to promote the development of
7 performance standards for training and uniform im-
8 plementation of this subsection by executive agen-
9 cies, with due regard for differences in program re-
10 quirements among agencies that may be appropriate
11 and warranted in view of the agency mission. The
12 Administrator shall evaluate the implementation of
13 the provisions of this subsection by executive agen-
14 cies.

15 “(4) CHIEF ACQUISITION OFFICER AUTHORI-
16 TIES AND RESPONSIBILITIES.—Subject to the au-
17 thority, direction, and control of the head of an exec-
18 utive agency, the Chief Acquisition Officer of such
19 agency shall carry out all powers, functions, and du-
20 ties of the head of the agency with respect to imple-
21 mentation of this subsection. The Chief Acquisition
22 Officer shall ensure that the policies of the agency
23 head established in accordance with this subsection
24 are implemented throughout the agency.

1 “(5) ACQUISITION AND CONTRACTING TRAINING
2 REPORTING.—The Administrator shall ensure that
3 the heads of executive agencies collect and maintain
4 standardized information on the acquisition and con-
5 tracting workforce related to the implementation of
6 this subsection.

7 “(6) AUTHORITY TO DETAIL EMPLOYEES TO
8 NON-FEDERAL EMPLOYERS.—In carrying out the
9 preceding provisions of this subsection, the Adminis-
10 trator may provide for a program under which a
11 Federal employee may be detailed to a non-Federal
12 employer. The Administrator shall prescribe regula-
13 tions for such program, including—

14 “(A) the conditions for service and duties
15 as the Administrator considers necessary; and

16 “(B) safeguards to avoid conflicts of inter-
17 est involving Federal employees who have been
18 detailed to non-Federal employers.

19 “(7) COORDINATION PROVISION.—An assign-
20 ment described in section 3703 of title 5, United
21 States Code, may not be made unless a program
22 under paragraph (6) is established, and the assign-
23 ment is made in accordance with the requirements
24 of such program.

1 “(8) EMPLOYEE PARTICIPATION.—Subject to
2 acquisition and contracting needs and the limitations
3 imposed by resource needs in other occupational
4 areas, and consistent with their overall workforce de-
5 velopment strategies, agencies shall encourage em-
6 ployees to participate in occupational acquisition and
7 contracting training.

8 “(c) PARTICIPATION OF SMALL BUSINESSES.—In
9 implementing the program, the Administrator shall make
10 every effort to ensure that at least 20 percent of the as-
11 signments be made with small businesses.

12 “(d) REPORT.—Not later than 3 years after the date
13 of the enactment of the Accountability in Government
14 Contracting Act of 2007, the Administrator, in consulta-
15 tion with the Director of the Office of Personnel Manage-
16 ment, shall submit a report to Congress on the implemen-
17 tation of the exchange program, including any rec-
18 ommendations for statutory changes to enhance the utili-
19 zation of the program and enhance its benefits.”.

20 (e) ACQUISITION WORKFORCE HUMAN CAPITAL
21 STRATEGIC PLAN.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this Act, each Chief Ac-
24 quisition Officer for an executive agency appointed
25 pursuant to section 16 of the Office of Federal Pro-

1 curement Policy Act (41 U.S.C. 414) shall develop,
2 in consultation with the Chief Human Capital Offi-
3 cer for the agency and the Assistant Administrator
4 for Acquisition Workforce Programs, a strategic
5 human capital plan for the recruitment, develop-
6 ment, and retention of the agency's acquisition
7 workforce, with a particular focus on warranted con-
8 tracting officers of the agency.

9 (2) CONTENT OF PLAN.—The acquisition work-
10 force human capital plan shall address—

11 (A) support for and recruitment of per-
12 sonnel from procurement intern programs;

13 (B) development of the agency's acquisi-
14 tion workforce, including training needs;

15 (C) development of strategies to retain
16 high performing acquisition professionals who
17 possess critical relevant skills;

18 (D) support for and recruitment of per-
19 sonnel from the Federal Career Intern Pro-
20 gram; and

21 (E) support for and recruitment of per-
22 sonnel from the Presidential Management Fel-
23 lows Program.

1 **Subtitle B—Competition and**
 2 **Accountability**

3 **SEC. 111. COMPETITION IN MULTIPLE AWARD CONTRACTS.**

4 (a) CIVILIAN AGENCY CONTRACTS.—

5 (1) COMPETITION REQUIREMENT.—Subsection
 6 (b) of section 303J of the Federal Property and Ad-
 7 ministrative Services Act of 1949 (41 U.S.C.
 8 253j(b)) is amended—

9 (A) by redesignating paragraphs (1)
 10 through (4) as subparagraphs (A) through (D),
 11 respectively;

12 (B) by striking “CONTRACTS.—When” and
 13 inserting the following: “CONTRACTS.—

14 “(1) TASK OR DELIVERY ORDERS IN EXCESS OF
 15 \$2,500.—When”;

16 (C) by moving each of subparagraphs (A)
 17 through (D) (as redesignated by subparagraph
 18 (A)) 2 ems to the right; and

19 (D) by adding at the end the following new
 20 paragraph:

21 “(2) TASK OR DELIVERY ORDERS IN EXCESS OF
 22 THE SIMPLIFIED ACQUISITION THRESHOLD.—

23 “(A) IN GENERAL.—Any award that is
 24 made under a task or delivery order contract
 25 that is anticipated to exceed the simplified ac-

1 quisition threshold (as defined by section 4 of
2 the Office of Federal Procurement Policy Act
3 (41 U.S.C. 403)) shall be made on a competi-
4 tive basis unless a contracting officer of the ex-
5 ecutive agency—

6 “(i) waives the requirement on the
7 basis of a determination that—

8 “(I) one of the circumstances de-
9 scribed in subparagraphs (A) through
10 (D) of paragraph (1) applies to such
11 individual purchase; or

12 “(II) a statute expressly author-
13 izes or requires that the purchase be
14 made from a specified source; and

15 “(ii) justifies the determination in
16 writing.

17 “(B) COMPETITIVE BASIS DEFINED.—For
18 purposes of this paragraph, an individual pur-
19 chase of goods or services is made on a com-
20 petitive basis only if it is made pursuant to pro-
21 cedures that—

22 “(i) require fair notice of the intent to
23 make that purchase (including a descrip-
24 tion of the work to be performed and the
25 basis on which the selection will be made)

1 to be provided to all contractors offering
2 such goods or services under the multiple
3 award contract; and

4 “(ii) afford all contractors responding
5 to the notice a fair opportunity to make an
6 offer and have that offer fairly considered
7 by the official making the purchase.

8 “(C) EXCEPTION TO NOTICE REQUIRE-
9 MENT.—Notwithstanding subparagraph (B),
10 notice may be provided to fewer than all con-
11 tractors offering such goods or services under a
12 multiple award contract if notice is provided to
13 as many contractors as practicable.

14 “(D) LIMITATION TO EXCEPTION.—A pur-
15 chase may not be made pursuant to a notice
16 that is provided to fewer than all contractors
17 under subparagraph (C) unless—

18 “(i) offers were received from at least
19 3 qualified contractors; or

20 “(ii) a contracting officer of the exec-
21 utive agency determines in writing that no
22 additional qualified contractors were able
23 to be identified despite reasonable efforts
24 to do so.

1 “(E) INDIVIDUAL PURCHASE DEFINED.—
2 For purposes of this paragraph, the term ‘indi-
3 vidual purchase’ means a task order, delivery
4 order, or other purchase.”.

5 (2) NOTICE REQUIREMENTS.—Such section is
6 further amended—

7 (A) by redesignating subsection (f) as sub-
8 section (g); and

9 (B) by inserting after subsection (e) the
10 following new subsection:

11 “(f) NOTICE REQUIREMENTS RELATED TO SOLE
12 SOURCE TASK OR DELIVERY ORDERS.—The head of each
13 executive agency shall—

14 “(1) publish on FedBizOpps notice of all sole
15 source task or delivery orders in excess of the sim-
16 plified acquisition threshold (as defined by section 4
17 of the Office of Federal Procurement Policy Act (41
18 U.S.C. 403)) that are placed against multiple award
19 contracts or multiple award blanket purchase agree-
20 ments not later than 10 days after such orders are
21 placed, except in the event of extraordinary cir-
22 cumstances or classified orders; and

23 “(2) publish on the Internet website of the ex-
24 ecutive agency and through the Federal Procure-
25 ment Data System the justification and approval

1 documents related to sole source task or delivery or-
2 ders placed against multiple award contracts or mul-
3 tiple award blank purchase agreements not later
4 than 14 days after such orders are placed.”.

5 (b) DEFENSE CONTRACTS.—

6 (1) COMPETITION REQUIREMENT.—Subsection
7 (b) of section 2304e of title 10, United States Code,
8 is amended—

9 (A) by redesignating paragraphs (1)
10 through (4) as subparagraphs (A) through (D),
11 respectively;

12 (B) by striking “CONTRACTS.—When” and
13 inserting the following: “CONTRACTS.—

14 “(1) TASK OR DELIVERY ORDERS IN EXCESS OF
15 \$2,500.—When”;

16 (C) by moving each of subparagraphs (A)
17 through (D) (as redesignated by subparagraph
18 (A)) 2 ems to the right; and

19 (D) by adding at the end the following new
20 paragraph:

21 “(2) TASK OR DELIVERY ORDERS IN EXCESS OF
22 THE SIMPLIFIED ACQUISITION THRESHOLD.—

23 “(A) IN GENERAL.—Any award that is
24 made under a task or delivery order contract
25 that is anticipated to exceed the simplified ac-

1 quisition threshold (as defined by section 4 of
2 the Office of Federal Procurement Policy Act
3 (41 U.S.C. 403)) shall be made on a competi-
4 tive basis unless a contracting officer of the
5 agency—

6 “(i) waives the requirement on the
7 basis of a determination that—

8 “(I) one of the circumstances de-
9 scribed in subparagraphs (A) through
10 (D) of paragraph (1) applies to such
11 individual purchase; or

12 “(II) a statute expressly author-
13 izes or requires that the purchase be
14 made from a specified source; and

15 “(ii) justifies the determination in
16 writing.

17 “(B) COMPETITIVE BASIS DEFINED.—For
18 purposes of this paragraph, an individual pur-
19 chase of goods or services is made on a com-
20 petitive basis only if it is made pursuant to pro-
21 cedures that—

22 “(i) require fair notice of the intent to
23 make that purchase (including a descrip-
24 tion of the work to be performed and the
25 basis on which the selection will be made)

1 to be provided to all contractors offering
2 such goods or services under the multiple
3 award contract; and

4 “(ii) afford all contractors responding
5 to the notice a fair opportunity to make an
6 offer and have that offer fairly considered
7 by the official making the purchase.

8 “(C) EXCEPTION TO NOTICE REQUIRE-
9 MENT.—Notwithstanding subparagraph (B),
10 notice may be provided to fewer than all con-
11 tractors offering such goods or services under a
12 multiple award contract if notice is provided to
13 as many contractors as practicable.

14 “(D) LIMITATION TO EXCEPTION.—A pur-
15 chase may not be made pursuant to a notice
16 that is provided to fewer than all contractors
17 under subparagraph (C) unless—

18 “(i) offers were received from at least
19 3 qualified contractors; or

20 “(ii) a contracting officer of the agen-
21 cy determines in writing that no additional
22 qualified contractors were able to be identi-
23 fied despite reasonable efforts to do so.

24 “(E) INDIVIDUAL PURCHASE DEFINED.—
25 For purposes of this paragraph, the term ‘indi-

1 vidual purchase’ means a task order, delivery
2 order, or other purchase.”.

3 (2) NOTICE REQUIREMENTS.—Such section is
4 further amended—

5 (A) by redesignating subsection (f) as sub-
6 section (g); and

7 (B) by inserting after subsection (e) the
8 following new subsection:

9 “(f) NOTICE REQUIREMENTS RELATED TO SOLE
10 SOURCE TASK OR DELIVERY ORDERS.—The head of each
11 agency shall—

12 “(1) publish on FedBizOpps notice of all sole
13 source task or delivery orders in excess of the sim-
14 plified acquisition threshold (as defined by section 4
15 of the Office of Federal Procurement Policy Act (41
16 U.S.C. 403)) that are placed against multiple award
17 contracts or multiple award blanket purchase agree-
18 ments not later than 10 days after such orders are
19 placed, except in the event of extraordinary cir-
20 cumstances or classified orders; and

21 “(2) publish on the Internet website of the
22 agency and through the Federal Procurement Data
23 System the justification and approval documents re-
24 lated to sole source task or delivery orders placed
25 against multiple award contracts or multiple award

1 blank purchase agreements not later than 14 days
2 after such orders are placed.”.

3 **SEC. 112. STATEMENT OF WORK REQUIREMENTS FOR CER-**
4 **TAIN TASK OR DELIVERY ORDERS.**

5 (a) CIVILIAN CONTRACTS.—Section 303J(c) of the
6 Federal Property and Administrative Services Act of 1949
7 (41 U.S.C. 253j(c)) is amended to read as follows:

8 “(c) STATEMENT OF WORK AND SELECTION
9 BASIS.—

10 “(1) IN GENERAL.—A task or delivery order
11 shall include a statement of work that clearly speci-
12 fies all tasks to be performed or property to be deliv-
13 ered under the order.

14 “(2) TASK OR DELIVERY ORDERS IN EXCESS OF
15 \$5,000,000.—The statement of work for a task or de-
16 livery order in excess of \$5,000,000 under a task or
17 delivery order contract shall be made available to
18 each contractor awarded such contract and shall—

19 “(A) include a clear statement of the execu-
20 tive agency’s requirements;

21 “(B) permit a reasonable response period;

22 “(C) disclose the significant factors and
23 sub-factors that the executive agency expects to
24 consider in evaluating proposals, including cost,

1 price, and the relative importance of those and
2 other factors;

3 “(D) in the case of an award that is to be
4 made on a best value basis, include a written
5 statement documenting the basis for the award
6 and the relative importance of quality and price
7 or cost factors; and

8 “(E) state that the technical requirements
9 applicable to source selection in competitive ne-
10 gotiated acquisitions shall not apply.”.

11 (b) DEFENSE CONTRACTS.—Section 2304e(c) of title
12 10, United States Code, is amended to read as follows:

13 “(c) STATEMENT OF WORK AND SELECTION
14 BASIS.—

15 “(1) IN GENERAL.—A task or delivery order
16 shall include a statement of work that clearly speci-
17 fies all tasks to be performed or property to be deliv-
18 ered under the order.

19 “(2) TASK OR DELIVERY ORDERS IN EXCESS OF
20 \$5,000,000.—The statement of work for a task or de-
21 livery order in excess of \$5,000,000 under a task or
22 delivery order contract shall be made available to
23 each contractor awarded such contract and shall—

24 “(A) include a clear statement of the agen-
25 cy’s requirements;

1 “(B) permit a reasonable response period;

2 “(C) disclose the significant factors and
3 sub-factors that the agency expects to consider
4 in evaluating proposals, including cost, price,
5 and the relative importance of those and other
6 factors;

7 “(D) in the case of an award that is to be
8 made on a best value basis, include a written
9 statement documenting the basis for the award
10 and the relative importance of quality and price
11 or cost factors; and

12 “(E) state that the technical requirements
13 applicable to source selection in competitive ne-
14 gotiated acquisitions shall not apply.”.

15 **SEC. 113. POSTAWARD BRIEFINGS FOR TASK AND DELIV-**
16 **ERY ORDERS.**

17 (a) **CIVILIAN AGENCY CONTRACTS.**—The Federal
18 Property and Administrative Services Act of 1949 (41
19 U.S.C. 251 et seq.) is amended by inserting after section
20 303J the following new section:

21 **“SEC. 303J—1. TASK AND DELIVERY ORDER: POSTAWARD**
22 **BRIEFINGS.**

23 “The head of an executive agency awarding a task
24 or delivery order valued at over \$5,000,000 under a mul-
25 tiple award contract shall provide to each offeror not

1 awarded such order the opportunity for a postaward de-
2 briefing. The debriefing information shall include—

3 “(1) the executive agency’s evaluation of the
4 significant weaknesses or deficiencies in the offeror’s
5 proposal, if applicable;

6 “(2) the overall evaluated cost or price (includ-
7 ing unit prices), and technical rating, if applicable,
8 of the successful offeror and the debriefed offeror,
9 and past performance information on the debriefed
10 offeror;

11 “(3) the overall ranking of all offerors, when
12 any ranking was developed by the agency during the
13 source selection;

14 “(4) a summary of the rationale for the award;

15 “(5) for acquisitions of commercial items, the
16 make and model of the item to be delivered by the
17 successful offeror; and

18 “(6) reasonable responses to relevant questions
19 about whether source selection procedures contained
20 in the solicitation, applicable regulations, and other
21 applicable authorities were followed.”.

22 (b) DEFENSE CONTRACTS.—

23 (1) POSTAWARD BRIEFING REQUIREMENT.—

24 Chapter 137 of title 10, United States Code, is

1 amended by inserting after section 2304e the fol-
2 lowing new section:

3 **“§ 2304c-1. Task and delivery order contracts:**
4 **postaward briefings**

5 “The head of an agency awarding a task or delivery
6 order valued at over \$5,000,000 under a multiple award
7 contract shall provide to each offeror not awarded such
8 order the opportunity for a postaward debriefing. The de-
9 briefing information shall include—

10 “(1) the agency’s evaluation of the significant
11 weaknesses or deficiencies in the offeror’s proposal,
12 if applicable;

13 “(2) the overall evaluated cost or price (includ-
14 ing unit prices), and technical rating, if applicable,
15 of the successful offeror and the debriefed offeror,
16 and past performance information on the debriefed
17 offeror;

18 “(3) the overall ranking of all offerors, when
19 any ranking was developed by the agency during the
20 source selection;

21 “(4) a summary of the rationale for the award;

22 “(5) for acquisitions of commercial items, the
23 make and model of the item to be delivered by the
24 successful offeror; and

1 “(6) reasonable responses to relevant questions
2 about whether source selection procedures contained
3 in the solicitation, applicable regulations, and other
4 applicable authorities were followed.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by inserting after the item relating to section 2304c
8 the following new item:

“2304c-1. Task and delivery order contracts: postaward briefings.”.

9 **SEC. 114. PROTESTS OF TASK AND DELIVERY ORDERS.**

10 (a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d)
11 of the Federal Property and Administrative Services Act
12 of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

13 “(d) PROTESTS.—(1) A protest is not authorized in
14 connection with the issuance or proposed issuance of a
15 task or delivery order except for—

16 “(A) a protest on the ground that the order in-
17 creases the scope, period, or maximum value of the
18 contract under which the order is issued; or

19 “(B) a protest of an order valued at greater
20 than \$5,000,000.

21 “(2) Notwithstanding section 3556 of title 31, United
22 States Code, the Comptroller General of the United States
23 shall have exclusive jurisdiction of a protest authorized
24 under paragraph (1)(B).”.

1 (b) DEFENSE CONTRACTS.—Section 2304c(d) of title
2 10, United States Code is amended to read as follows:

3 “(d) PROTESTS.—(1) A protest is not authorized in
4 connection with the issuance or proposed issuance of a
5 task or delivery order except for—

6 “(A) a protest on the ground that the order in-
7 creases the scope, period, or maximum value of the
8 contract under which the order is issued; or

9 “(B) a protest of an order valued at greater
10 than \$5,000,000.

11 “(2) Notwithstanding section 3556 of title 31, United
12 States Code, the Comptroller General of the United States
13 shall have exclusive jurisdiction of a protest authorized
14 under paragraph (1)(B).”.

15 (c) PREFERENCE FOR USE OF EXPRESS OPTION FOR
16 DECIDING PROTESTS.—Section 3554(a)(2) of title 31,
17 United States Code, is amended—

18 (1) by striking “(2) The Comptroller General”
19 and inserting “(2)(A) The Comptroller General”;
20 and

21 (2) by adding at the end the following new sub-
22 paragraph:

23 “(B) The Comptroller General shall use the express
24 option established pursuant to subparagraph (A) to decide
25 protests under section 303J(d) of the Federal Property

1 and Administrative Services Act of 1949 (41 U.S.C.
2 253j(d)) and section 2304c(d) of title 10, United States
3 Code, related to the issuance or proposed issuance of a
4 task or delivery order valued at greater than \$5,000,000
5 and less than \$25,000,000, unless the Comptroller Gen-
6 eral determines that the protest is not suitable for resolu-
7 tion within 65 days after the date the protest is sub-
8 mitted.”.

9 **SEC. 115. PUBLICATION OF JUSTIFICATION AND APPROVAL**
10 **DOCUMENTS.**

11 (a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the
12 Federal Property and Administrative Services Act of 1949
13 (41 U.S.C. 253(f)(1)) is amended—

14 (1) in subparagraph (B)(iii), by striking “;
15 and” and inserting a semicolon;

16 (2) in subparagraph (C), by striking the period
17 at the end and inserting “; and”; and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(D) the justification and approval documents
21 are made publicly available on the Internet website
22 of the agency and FedBizOpps.”.

23 (b) DEFENSE CONTRACTS.—Section 2304(f) of title
24 10, United States Code, is amended—

1 (1) in subparagraph (B)(iii), by striking “;
2 and” and inserting a semicolon;

3 (2) in subparagraph (C), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) the justification and approval documents
8 are made publicly available on the Internet website
9 of the agency and FedBizOpps.”.

10 **SEC. 116. LIMITATION ON LENGTH OF CERTAIN NON-**
11 **COMPETITIVE CONTRACTS.**

12 (a) CIVILIAN AGENCY CONTRACTS.—Section 303(d)
13 of the Federal Property and Administrative Services Act
14 of 1949 (41 U.S.C. 253(d)) is amended by adding at the
15 end the following new paragraph:

16 “(3)(A) The contract period of a contract described
17 in subparagraph (B) that is entered into by an executive
18 agency pursuant to the authority provided under sub-
19 section (c)(2)—

20 “(i) may not exceed the time necessary—

21 “(I) to meet the unusual and compelling
22 requirements of the work to be performed under
23 the contract; and

24 “(II) for the executive agency to enter into
25 another contract for the required goods or serv-

1 ices through the use of competitive procedures;
2 and

3 “(ii) may not exceed 150 days unless the head
4 of the executive agency entering into such contract
5 determines that exceptional circumstances apply.

6 “(B) This paragraph applies to any contract in an
7 amount greater than the simplified acquisition threshold
8 (as defined by section 4 of the Office of Federal Procure-
9 ment Policy Act (41 U.S.C. 403)).”.

10 (b) DEFENSE CONTRACTS.—Section 2304(d) of title
11 10, United States Code, is amended by adding at the end
12 the following new paragraph:

13 “(3)(A) The contract period of a contract described
14 in subparagraph (B) that is entered into by an agency
15 pursuant to the authority provided under subsection
16 (c)(2)—

17 “(i) may not exceed the time necessary—

18 “(I) to meet the unusual and compelling
19 requirements of the work to be performed under
20 the contract; and

21 “(II) for the agency to enter into another
22 contract for the required goods or services
23 through the use of competitive procedures; and

1 “(ii) may not exceed 150 days unless the head
2 of the agency entering into such contract determines
3 that exceptional circumstances apply.

4 “(B) This paragraph applies to any contract in an
5 amount greater than the simplified acquisition threshold
6 (as defined by section 4 of the Office of Federal Procure-
7 ment Policy Act (41 U.S.C. 403)).”.

8 **SEC. 117. PROHIBITION ON AWARD OF CERTAIN LARGE**
9 **TASK OR DELIVERY ORDER CONTRACTS FOR**
10 **SERVICES.**

11 (a) CIVILIAN AGENCY CONTRACTS.—Section
12 303H(d) of the Federal Property and Administrative
13 Services Act of 1949 (41 U.S.C. 253h(d)) is amended by
14 adding at the end the following new paragraph:

15 “(4)(A) No task or delivery order contract for serv-
16 ices in an amount estimated to exceed \$100,000,000 (in-
17 cluding all options) may be awarded to a single contractor
18 unless the head of the agency determines in writing that—

19 “(i) because of the size, scope, or method of
20 performance of the requirement, it would not be
21 practical to award multiple task or delivery order
22 contracts;

23 “(ii) the task orders expected under the con-
24 tract are so integrally related that only a single con-
25 tractor can reasonably perform the work; or

1 “(iii) for any other reason, it is necessary in the
2 public interest to award the contract to a single con-
3 tractor.

4 “(B) The head of the agency shall notify Congress
5 within 30 days of any determination under subparagraph
6 (A)(iii).

7 “(C) The head of the agency shall post the justifica-
8 tion and approval documents related to a determination
9 under subparagraph (A) on the Internet website of the
10 agency and on the Federal Business Opportunities
11 (FedBizOpps) Internet website.”.

12 (b) DEFENSE CONTRACTS.—Section 2304a(d) of title
13 10, United States Code, is amended by adding at the end
14 the following new paragraph:

15 “(4)(A) No task or delivery order contract for serv-
16 ices in an amount estimated to exceed \$100,000,000 (in-
17 cluding all options) may be awarded to a single contractor
18 unless the head of the agency determines in writing that—

19 “(i) because of the size, scope, or method of
20 performance of the requirement, it would not be
21 practical to award multiple task or delivery order
22 contracts;

23 “(ii) the task orders expected under the con-
24 tract are so integrally related that only a single con-
25 tractor can reasonably perform the work; or

1 “(iii) for any other reason, it is necessary in the
2 public interest to award the contract to a single con-
3 tractor.

4 “(B) The head of the agency shall notify Congress
5 within 30 days of any determination under subparagraph
6 (A)(iii).

7 “(C) The head of the agency shall post the justifica-
8 tion and approval documents related to a determination
9 under subparagraph (A) on the Internet website of the
10 agency and on the Federal Business Opportunities
11 (FedBizOpps) Internet website.”.

12 **SEC. 118. GUIDANCE ON USE OF TIERED EVALUATIONS OF**
13 **OFFERS FOR CONTRACTS AND TASK ORDERS**
14 **UNDER CONTRACTS.**

15 (a) **GUIDANCE REQUIRED.**—The Administrator for
16 Federal Procurement Policy shall prescribe guidance for
17 executive agencies on the use of tiered evaluations of offers
18 for contracts and for task or delivery orders under con-
19 tracts. In prescribing such guidance, the Administrator
20 shall give full consideration to the guidance prescribed by
21 the Secretary of Defense under section 816 of the Na-
22 tional Defense Authorization Act for Fiscal Year 2006
23 (Public Law 109–163; 10 U.S.C. 2305).

24 (b) **ELEMENTS.**—The guidance prescribed under sub-
25 section (a) shall include a prohibition on the initiation by

1 a contracting officer of a tiered evaluation of an offer for
2 a contract or for a task or delivery order under a contract
3 unless the contracting officer—

4 (1) has conducted market research in accord-
5 ance with part 10 of the Federal Acquisition Regula-
6 tion in order to determine whether or not a suffi-
7 cient number of qualified small businesses are avail-
8 able to justify limiting competition for the award of
9 such contract or task or delivery order under appli-
10 cable law and regulations;

11 (2) is unable, after conducting market research
12 under paragraph (1), to make the determination de-
13 scribed in that paragraph; and

14 (3) includes in the contract file a written expla-
15 nation of why such contracting officer was unable to
16 make such determination.

17 **SEC. 119. PLAN FOR MINIMIZING COST-REIMBURSEMENT**
18 **CONTRACTS.**

19 The head of each executive agency shall develop a
20 plan for minimizing the use of cost-reimbursement con-
21 tracts.

1 **Subtitle C—Accountability and**
2 **Administration**

3 **SEC. 121. RECORDING OF OBLIGATIONS ON TASK ORDER**
4 **CONTRACTS.**

5 (a) CIVILIAN CONTRACTS.—

6 (1) IN GENERAL.—Section 303H of the Federal
7 Property and Administrative Services Act of 1949
8 (41 U.S.C. 253h) is amended—

9 (A) by redesignating subsections (f) and

10 (g) as subsections (g) and (h), respectively; and

11 (B) by inserting after subsection (e) the

12 following new subsection:

13 “(f) AUTHORITY TO DEFER RECORDING OBLIGA-

14 TIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1)

15 Subject to paragraphs (2) and (3), the head of an execu-

16 tive agency may defer the recording of an obligation, in-

17 cluding an obligation in the amount of the guaranteed

18 minimum, under a contract awarded under this section

19 until the issuance of a task or delivery order.

20 “(2) The amount of the guaranteed minimum under

21 a contract must be obligated during the same fiscal year

22 during which the contract is awarded unless waived by the

23 head of the executive agency for exceptional cir-

24 cumstances.

1 “(3) The amount of the guaranteed minimum under
2 a contract may be satisfied by multiple task or delivery
3 orders, but the full value of each individual task or delivery
4 order must be obligated when such order is issued.”.

5 (2) ADVISORY AND ASSISTANCE SERVICES.—
6 Section 303I of such Act (41 U.S.C. 253i) is amend-
7 ed—

8 (A) by redesignating subsections (h) and
9 (i) as subsections (i) and (j), respectively; and

10 (B) by inserting after subsection (g) the
11 following new subsection:

12 “(h) AUTHORITY TO DEFER RECORDING OBLIGA-
13 TIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1)
14 Subject to paragraphs (2) and (3), the head of an execu-
15 tive agency may defer the recording of an obligation, in-
16 cluding an obligation in the amount of the guaranteed
17 minimum, under a contract awarded under this section
18 until the issuance of a task or delivery order.

19 “(2) The amount of the guaranteed minimum under
20 a contract must be obligated during the same fiscal year
21 during which the contract is awarded unless waived by the
22 head of the executive agency for exceptional cir-
23 cumstances.

24 “(3) The amount of the guaranteed minimum under
25 a contract may be satisfied by multiple task or delivery

1 orders, but the full value of each individual task or delivery
2 order must be obligated when such order is issued.”.

3 (b) DEFENSE CONTRACTS.—

4 (1) IN GENERAL.—Section 2304a of title 10,
5 United States Code, is amended—

6 (A) by redesignating subsections (g) and
7 (h) as subsections (h) and (i), respectively; and

8 (B) by inserting after subsection (f) the
9 following new subsection:

10 “(g) AUTHORITY TO DEFER RECORDING OBLIGA-
11 TIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1)

12 Subject to paragraphs (2) and (3), the head of an agency
13 may defer the recording of an obligation, including an obli-
14 gation in the amount of the guaranteed minimum, under
15 a contract awarded under this section until the issuance
16 of a task or delivery order.

17 “(2) The amount of the guaranteed minimum under
18 a contract must be obligated during the same fiscal year
19 during which the contract is awarded unless waived by the
20 head of the agency for exceptional circumstances.

21 “(3) The amount of the guaranteed minimum under
22 a contract may be satisfied by multiple task or delivery
23 orders, but the full value of each individual task or delivery
24 order must be obligated when such order is issued.”.

1 (2) ADVISORY AND ASSISTANCE SERVICES.—
 2 Section 2304b of title 10, United States Code, is
 3 amended—

4 (A) by redesignating subsection (f) as sub-
 5 sections (g); and

6 (B) by inserting after subsection (e) the
 7 following new subsection:

8 “(f) AUTHORITY TO DEFER RECORDING OBLIGA-
 9 TIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1)
 10 Subject to paragraphs (2) and (3), the head of an agency
 11 may defer the recording of an obligation, including an obli-
 12 gation in the amount of the guaranteed minimum, under
 13 a contract awarded under this section until the issuance
 14 of a task or delivery order.

15 “(2) The amount of the guaranteed minimum under
 16 a contract must be obligated during the same fiscal year
 17 during which the contract is awarded unless waived by the
 18 head of the agency for exceptional circumstances.

19 “(3) The amount of the guaranteed minimum under
 20 a contract may be satisfied by multiple task or delivery
 21 orders, but the full value of each individual task or delivery
 22 order must be obligated when such order is issued.”.

23 **SEC. 122. DEFINITIZING OF LETTER CONTRACTS.**

24 (a) CIVILIAN CONTRACTS.—The Federal Property
 25 and Administrative Services Act of 1949 (41 U.S.C. 251

1 et seq.) is amended by adding at the end the following
2 new section:

3 **“SEC. 318. DEFINITIZING OF LETTER CONTRACTS.**

4 “The head of an executive agency shall unilaterally
5 determine all missing terms in an undefinitized letter con-
6 tract that have not been agreed upon within 180 days
7 after such letter contract has been entered into or before
8 40 percent of the work under such letter contract has been
9 completed. Any terms so determined shall be subject to
10 the contract disputes process.”.

11 (b) DEFENSE CONTRACTS.—

12 (1) DEFINITIZING OF LETTER CONTRACTS.—

13 Chapter 137 of title 10, United States Code, is
14 amended by inserting after at the end the following
15 new section:

16 **“§ 2334. Definitizing of letter contracts**

17 “The head of an agency shall unilaterally determine
18 all missing terms in an undefinitized letter contract that
19 have not been agreed upon within 180 days after such let-
20 ter contract has been entered into or before 50 percent
21 of the work under such letter contract has been completed.
22 Any terms so determined shall be subject to the contract
23 disputes process.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of such chapter is amended
 3 by adding at the end the following new item:

“2334. Definitizing of letter contracts.”.

4 **SEC. 123. PREVENTING ABUSE OF INTERAGENCY CON-**
 5 **TRACTS.**

6 (a) OFFICE OF MANAGEMENT AND BUDGET POLICY
 7 GUIDANCE.—

8 (1) REPORT AND GUIDELINES.—Not later than
 9 one year after the date of the enactment of this Act,
 10 the Director of the Office of Management and Budg-
 11 et shall—

12 (A) submit to Congress a comprehensive
 13 report on interagency acquisitions, including
 14 their frequency of use, management controls,
 15 cost-effectiveness, and savings generated; and

16 (B) issue guidelines to assist the heads of
 17 executive agencies in improving the manage-
 18 ment of interagency acquisitions.

19 (2) MATTERS COVERED BY GUIDELINES.—For
 20 purposes of paragraph (1)(B), the Director shall in-
 21 clude guidelines on the following matters:

22 (A) Procedures for the use of interagency
 23 acquisitions to maximize competition, deliver
 24 best value to executive agencies, and minimize
 25 waste, fraud, and abuse.

1 (B) Categories of contracting inappropriate
2 for interagency acquisition, due to high risk of
3 waste, fraud, or abuse.

4 (C) Requirements for training acquisition
5 workforce personnel in the proper use of inter-
6 agency acquisitions.

7 (b) REGULATIONS REQUIRED.—Not later than one
8 year after the date of the enactment of this Act, the Fed-
9 eral Acquisition Regulation shall be revised to require that
10 all interagency acquisitions—

11 (1) include a written agreement between the re-
12 questing agency and the servicing agency assigning
13 responsibility for the administration and manage-
14 ment of the contract;

15 (2) include a determination that an interagency
16 acquisition is the best procurement alternative; and

17 (3) include sufficient documentation to ensure
18 an adequate audit.

19 (c) AGENCY REPORTING REQUIREMENT.—The senior
20 procurement executive for each executive agency shall, as
21 directed by the Director of the Office of Management and
22 Budget, submit to the Director annual reports on the ac-
23 tions taken by the executive agency pursuant to the guide-
24 lines issued under subsection (a).

25 (d) SURVEY OF INTERAGENCY CONTRACTING.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Adminis-
3 trator for Federal Procurement Policy shall conduct
4 a survey of existing interagency contracts.

5 (2) CONTENT.—The survey conducted under
6 paragraph (1) shall collect the following information:

7 (A) The number of interagency contracts
8 that are currently in operation, and the scope,
9 sponsoring agencies, primary users, activity lev-
10 els (in terms of orders and value) for the most
11 recent fiscal year, and rationales for such con-
12 tracts.

13 (B) The level of acquisition activity con-
14 ducted by the Intergovernmental Revolving
15 Funds (including the Franchise Funds) on be-
16 half of other executive agencies.

17 (C) The number of enterprisewide, single
18 agency contracts that are currently in oper-
19 ation, and the scope, activity levels (in terms of
20 orders and value) for the most recent fiscal
21 year, and rationales for such contracts.

22 (3) PUBLICATION.—The Director of the Office
23 of Management and Budget shall make the results
24 of the survey conducted under this subsection pub-

1 licly available, subject to applicable statutory and
2 regulatory limits on the release of such information.

3 (e) REVIEW OF FEDERAL SUPPLY SCHEDULE CON-
4 TRACTS.—Not later than 270 days after the date of the
5 enactment of this Act, the Administrator of General Serv-
6 ices shall review existing Federal Supply Schedule (FSS)
7 contracts to determine whether, in light of the entire in-
8 ventory of interagency contracts, any of the FSS contracts
9 should be eliminated in order to avoid unnecessary dupli-
10 cation.

11 (f) REVIEW OF OTHER INTERAGENCY AND
12 ENTERPRISEWIDE CONTRACTS.—Not later than 270 days
13 after the date of the enactment of this Act, the Director
14 of the Office of Management and Budget shall direct the
15 heads of executive agencies to develop and institute proce-
16 dures for the creation, expansion, oversight, and reauthor-
17 ization of interagency and enterprisewide contracts other
18 than the contracts described in subsections (d) and (e).
19 The head of each executive agency shall periodically sub-
20 mit reports to the Director on the implementation of this
21 subsection and shall make such reports publicly available.

22 (g) IMPROVED TRANSPARENCY OF INTERAGENCY
23 CONTRACTING DATA.—Not later than 180 days after the
24 date of the enactment of this Act, the Director of the Of-
25 fice of Management and Budget shall direct appropriate

1 revisions to the governmentwide procurement system
2 known as the Federal Procurement Data System-Next
3 Generation in order to facilitate the collecting and publica-
4 tion of complete and reliable order-level data on inter-
5 agency contracting transactions.

6 **SEC. 124. PURCHASE CARD WASTE ELIMINATION.**

7 (a) REQUIREMENT FOR GUIDANCE.—

8 (1) OFFICE OF MANAGEMENT AND BUDGET
9 POLICY GUIDANCE.—Not later than 180 days after
10 the date of the enactment of this Act, the Director
11 of the Office of Management and Budget shall issue
12 guidelines to assist the heads of executive agencies
13 in improving the management of the use of the Gov-
14 ernmentwide commercial purchase card for making
15 micro-purchases. The Director shall include guide-
16 lines on the following matters:

17 (A) Analysis of purchase card expenditures
18 to identify opportunities for achieving savings
19 through micro-purchases made in economical
20 volumes.

21 (B) Negotiation of discount agreements
22 with major vendors accepting the purchase
23 card.

24 (C) Establishment of communication pro-
25 grams to ensure that purchase cardholders re-

1 ceive information pertaining to the availability
2 of discounts, including programs for the train-
3 ing of purchase cardholders on the availability
4 of discounts.

5 (D) Assessment of cardholder purchasing
6 practices, including use of discount agreements.

7 (E) Collection and dissemination of best
8 practices and successful strategies for achieving
9 savings in micro-purchases.

10 (F) Analysis of purchase card expenditures
11 to identify opportunities for achieving and accu-
12 rately measuring fair participation of small
13 business concerns in micro-purchases consistent
14 with the national policy on small business par-
15 ticipation in Federal procurement set forth in
16 sections 2(a) and 15(g) of the Small Business
17 Act (15 U.S.C. 631(a) and 644(g)), and dis-
18 semination of best practices for participation of
19 small business concerns in micro-purchases.

20 (2) GENERAL SERVICES ADMINISTRATION.—

21 The Administrator of General Services shall—

22 (A) continue efforts to improve reporting
23 by financial institutions that issue the Govern-
24 mentwide commercial purchase card so that the
25 General Services Administration has the data

1 needed to identify opportunities for achieving
2 savings; and

3 (B) actively pursue point-of-sale discounts
4 with major vendors accepting the purchase card
5 so that any Federal Government purchaser
6 using the purchase card can benefit from such
7 point-of-sale discounts.

8 (3) AGENCY REPORTING REQUIREMENT.—The
9 senior procurement executive for each executive
10 agency shall, as directed by the Director of the Of-
11 fice of Management and Budget, submit to the Di-
12 rector periodic reports on the actions taken in such
13 executive agency pursuant to the guidelines issued
14 under paragraph (1).

15 (4) CONGRESSIONAL OVERSIGHT.—Not later
16 than December 31 of the year following the year in
17 which this Act is enacted, and December 31 of each
18 of the ensuing 3 years, the Director of the Office of
19 Management and Budget shall submit to the Com-
20 mittee on Homeland Security and Governmental Af-
21 fairs of the Senate and the Committee on Oversight
22 and Government Reform of the House of Represent-
23 atives a report summarizing for the fiscal year end-
24 ing in the year in which such report is due the
25 progress made—

1 (A) in improving the management of the
2 use of the Governmentwide commercial pur-
3 chase card for making micro-purchases; and

4 (B) in achieving savings in micro-pur-
5 chases made with such card, expressed in terms
6 of average savings achieved by each executive
7 agency in the use of discount agreements identi-
8 fied in paragraph (1) and the total savings
9 achieved Governmentwide.

10 (b) PAYMENTS TO FEDERAL CONTRACTORS WITH
11 FEDERAL TAX DEBT.—The General Services Administra-
12 tion, in conjunction with the Internal Revenue Service and
13 the Financial Management Service, shall develop proce-
14 dures to subject purchase card payments to Federal con-
15 tractors to the Federal Payment Levy program.

16 (c) REPORTING OF AIR TRAVEL BY FEDERAL GOV-
17 ERNMENT EMPLOYEES.—

18 (1) ANNUAL REPORTS REQUIRED.—The Admin-
19 istrator of the General Services shall submit annu-
20 ally to the Committee on Homeland Security and
21 Governmental Affairs of the Senate and the Com-
22 mittee on Oversight and Government Reform of the
23 House of Representatives a report on all first class
24 and business class travel by employees of each execu-

1 utive agency undertaken at the expense of the Fed-
2 eral Government.

3 (2) CONTENT.—The reports submitted pursu-
4 ant to paragraph (1) shall include, at a minimum,
5 with respect to each travel by first class or business
6 class—

7 (A) the names of each traveler;

8 (B) the date of travel;

9 (C) the points of origination and destina-
10 tion;

11 (D) the cost of the first class or business
12 class travel; and

13 (E) the cost difference between such travel
14 and travel by coach class.

15 **SEC. 125. LEAD SYSTEMS INTEGRATORS.**

16 (a) STUDY.—Not later than 180 days after the date
17 of the enactment of this Act, the Administrator for Fed-
18 eral Procurement Policy shall develop a government-wide
19 definition of lead systems integrators and complete a
20 study the use of such integrators by executive agencies.

21 (b) RECOMMENDATIONS.—Not later than 180 days
22 after the study under subsection (a) is completed, the Ad-
23 ministrator for Federal Procurement Policy shall submit
24 to Congress recommendations for regulations to control

1 the use of lead systems integrators to ensure that they
2 are used in the best interests of the Federal Government.

3 **SEC. 126. LIMITATIONS ON TIERING OF SUBCONTRACTORS.**

4 (a) REGULATIONS.—The Administrator for Federal
5 Procurement Policy shall promulgate regulations applica-
6 ble to contracts described in subsection (c) to minimize
7 the excessive use by contractors of subcontractors or tiers
8 of subcontractors to perform the principal work of the con-
9 tract.

10 (b) SPECIFIC REQUIREMENT.—At a minimum, the
11 regulations promulgated under subsection (a) shall pre-
12 clude a contractor from using subcontracts for more than
13 65 percent of the cost of the contract or the cost of any
14 individual task or delivery order (not including overhead
15 and profit), unless the head of the executive agency award-
16 ing the contract determines that such requirement is not
17 feasible or practicable.

18 (c) COVERED CONTRACTS.—This section applies to
19 any cost-reimbursement type contract or task or delivery
20 order in an amount greater than the simplified acquisition
21 threshold (as defined by section 4 of the Office of Federal
22 Procurement Policy Act (41 U.S.C. 403)).

1 **SEC. 127. REFORM OF AFGHANISTAN ASSISTANCE PRO-**
2 **GRAMS.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Administrator of the
5 United States Agency for International Development shall
6 submit to Congress a report on the Agency’s assistance
7 programs in Afghanistan.

8 (b) CONTENTS.—The report required under sub-
9 section (a) shall include—

10 (1) information about the Agency’s assistance
11 programs in Afghanistan, including—

12 (A) the amount of assistance that has been
13 designated for projects in Afghanistan since fis-
14 cal year 2002;

15 (B) the amount of money that has been
16 obligated for such purposes;

17 (C) the amount of money that has been ex-
18 pended for such purposes;

19 (D) the number of projects that have been
20 designated or planned under such programs;

21 (E) the level of oversight exercised over
22 such programs by the Department of State, the
23 Agency, and the Government Accountability Of-
24 fice;

25 (F) the specific projects reviewed as part
26 of such oversight; and

1 (G) the findings related to such oversight;
2 and

3 (2) a plan for revising the Agency's strategy for
4 such assistance programs, including—

5 (A) developing measurable goals, specific
6 time frames, and established resource levels;

7 (B) delineating responsibilities related to
8 providing assistance;

9 (C) identifying external factors that could
10 significantly affect the achievement of the
11 Agency's goals; and

12 (D) developing a schedule for program
13 evaluations to assess progress made in achiev-
14 ing the Agency's goals.

15 **SEC. 128. DEBARMENT OF CONTRACTORS THAT ARE SERI-**
16 **OUS THREATS TO NATIONAL SECURITY.**

17 (a) DEBARMENT.—The head of any executive agency
18 may debar a contractor from eligibility for Federal con-
19 tracts on the basis of a finding that the contractor is a
20 serious threat to national security.

21 (b) INCLUSION ON LIST OF PARTIES EXCLUDED
22 FROM FEDERAL PROCUREMENT AND NONPROCUREMENT
23 PROGRAMS.—The Administrator of General Services shall
24 include on the List of Parties Excluded from Federal Pro-
25 curement and Nonprocurement Programs maintained by

1 the Administrator under part 9 of the Federal Acquisition
2 Regulation each contractor that is debarred or proposed
3 for debarment under subsection (a).

4 **SEC. 129. REQUIRED ASSIGNMENT OF LEVEL ONE CER-**
5 **TIFIED PROGRAM MANAGERS TO DEPART-**
6 **MENT OF HOMELAND SECURITY LEVEL ONE**
7 **PROGRAMS.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Secretary of Homeland Security shall
10 assign to each program of the Department of Homeland
11 Security with an estimated value of more than
12 \$100,000,000 at least one program manager certified by
13 the Secretary as competent to administer programs of that
14 size.

15 **SEC. 130. ELIMINATION OF ONE-YEAR LIMITATION ON IN-**
16 **TEREST DUE ON LATE PAYMENTS TO CON-**
17 **TRACTORS.**

18 Section 3901(d)(3)(A) of title 31, United States
19 Code, is amended to read as follows:

20 “(3)(A) Except as provided in subparagraph (B), an
21 interest penalty under this chapter does not continue to
22 accrue after a claim for an interest penalty is filed in the
23 manner described in paragraph (2).”.

1 **TITLE II—INSPECTORS**
2 **GENERAL REFORMS**

3 **SEC. 201. PROHIBITION OF CASH BONUS OR AWARDS.**

4 Section 3 of the Inspector General Act of 1978 (5
5 U.S.C. App.) is amended by adding at the end the fol-
6 lowing:

7 “(e) An Inspector General (as defined under section
8 8G(a)(6) or 11(3)) may not receive any cash award or
9 cash bonus, including any cash award under chapter 45
10 of title 5, United States Code.”.

11 **SEC. 202. INSPECTORS GENERAL AT LEVEL III OF EXECU-**
12 **TIVE SCHEDULE.**

13 (a) LEVEL IV POSITIONS.—Section 5315 of title 5,
14 United States Code, is amended by striking each item re-
15 lating to the following positions:

16 (1) Inspector General, Department of Edu-
17 cation.

18 (2) Inspector General, Department of Energy.

19 (3) Inspector General, Department of Health
20 and Human Services.

21 (4) Inspector General, Department of Agri-
22 culture.

23 (5) Inspector General, Department of Housing
24 and Urban Development.

25 (6) Inspector General, Department of Labor.

1 (7) Inspector General, Department of Trans-
2 portation.

3 (8) Inspector General, Department of Veterans
4 Affairs.

5 (9) Inspector General, Department of Home-
6 land Security.

7 (10) Inspector General, Department of Defense.

8 (11) Inspector General, Department of State.

9 (12) Inspector General, Department of Com-
10 merce.

11 (13) Inspector General, Department of the In-
12 terior.

13 (14) Inspector General, Department of Justice.

14 (15) Inspector General, Department of the
15 Treasury.

16 (16) Inspector General, Agency for Inter-
17 national Development.

18 (17) Inspector General, Environmental Protec-
19 tion Agency.

20 (18) Inspector General, Export-Import Bank.

21 (19) Inspector General, Federal Emergency
22 Management Agency.

23 (20) Inspector General, General Services Ad-
24 ministration.

1 (21) Inspector General, National Aeronautics
2 and Space Administration.

3 (22) Inspector General, Nuclear Regulatory
4 Commission.

5 (23) Inspector General, Office of Personnel
6 Management.

7 (24) Inspector General, Railroad Retirement
8 Board.

9 (25) Inspector General, Small Business Admin-
10 istration.

11 (26) Inspector General, Tennessee Valley Au-
12 thority.

13 (27) Inspector General, Federal Deposit Insur-
14 ance Corporation.

15 (28) Inspector General, Resolution Trust Cor-
16 poration.

17 (29) Inspector General, Central Intelligence
18 Agency.

19 (30) Inspector General, Social Security Admin-
20 istration.

21 (31) Inspector General, United States Postal
22 Service.

23 (b) LEVEL III POSITIONS.—Section 5314 of title 5,
24 United States Code, is amended by adding at the end the
25 following:

1 “Inspector General, Department of Education.

2 “Inspector General, Department of Energy.

3 “Inspector General, Department of Health and
4 Human Services.

5 “Inspector General, Department of Agriculture.

6 “Inspector General, Department of Housing
7 and Urban Development.

8 “Inspector General, Department of Labor.

9 “Inspector General, Department of Transpor-
10 tation.

11 “Inspector General, Department of Veterans
12 Affairs.

13 “Inspector General, Department of Homeland
14 Security.

15 “Inspector General, Department of Defense.

16 “Inspector General, Department of State.

17 “Inspector General, Department of Commerce.

18 “Inspector General, Department of the Interior.

19 “Inspector General, Department of Justice.

20 “Inspector General, Department of the Treas-
21 ury.

22 “Inspector General, Agency for International
23 Development.

24 “Inspector General, Corporation for Community
25 and National Service.

1 “Inspector General, Environmental Protection
2 Agency.

3 “Inspector General, Export-Import Bank.

4 “Inspector General, Federal Emergency Man-
5 agement Agency.

6 “Inspector General, General Services Adminis-
7 tration.

8 “Inspector General, National Aeronautics and
9 Space Administration.

10 “Inspector General, Nuclear Regulatory Com-
11 mission.

12 “Inspector General, Office of Personnel Man-
13 agement.

14 “Inspector General, Railroad Retirement
15 Board.

16 “Inspector General, Small Business Administra-
17 tion.

18 “Inspector General, Tennessee Valley Author-
19 ity.

20 “Inspector General, Federal Deposit Insurance
21 Corporation.

22 “Inspector General, Central Intelligence Agen-
23 cy.

24 “Inspector General, Social Security Administra-
25 tion.

1 “Inspector General, United States Postal Serv-
2 ice.”.

3 (c) SAVINGS PROVISION.—Nothing in this section
4 shall have the effect of reducing the rate of pay of any
5 individual serving as an Inspector General on the effective
6 date of this section.

7 **SEC. 203. QUALIFICATIONS OF INSPECTORS GENERAL FOR**
8 **DESIGNATED FEDERAL ENTITIES.**

9 Section 8G(c) of the Inspector General Act of 1978
10 (5 U.S.C. App.) is amended by adding at the end “Each
11 Inspector General shall be appointed without regard to po-
12 litical affiliation and solely on the basis of integrity and
13 demonstrated ability in accounting, auditing, financial
14 analysis, law, management analysis, public administration,
15 or investigations.” .

16 **SEC. 204. REMOVAL OF INSPECTORS GENERAL FOR DES-**
17 **IGNATED FEDERAL ENTITIES.**

18 Section 8G(e) of the Inspector General Act of 1978
19 (5 U.S.C. App.) is amended by striking “shall promptly
20 communicate in writing the reasons for any such removal
21 or transfer to both Houses of the Congress” and inserting
22 “shall communicate in writing the reasons for any such
23 removal or transfer to both Houses of the Congress, not
24 later than 15 days before the removal or transfer”.

1 **SEC. 205. SUBPOENA POWER.**

2 Section 6(a)(4) of the Inspector General Act of 1978
3 (5 U.S.C. App.), is amended—

4 (1) by inserting “in any medium (including
5 electronically stored information, as well as any tan-
6 gible thing)” after “other data”; and

7 (2) by striking “subpena” and inserting “sub-
8 poena”.

9 **SEC. 206. PROGRAM FRAUD CIVIL REMEDIES ACT.**

10 Section 3801(a)(1) of title 31, United States Code,
11 is amended—

12 (1) in subparagraph (C), by striking “and”
13 after the semicolon;

14 (2) in subparagraph (D), by adding “and” after
15 the semicolon ; and

16 (3) by adding at the end the following:

17 “(E) a designated Federal entity (as such
18 term is defined under section 8G(a)(2) of the
19 Inspector General Act of 1978).”.

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