

MARK-UP of the Services Acquisition Reform Bill (H.R. 1837)
May 7, 2003
Passed on party line vote

Amendments Adopted:

Substitute Amendment by Chairman Tom Davis:

- Provides that the Office of Federal Procurement Policy and the Office of Personnel Management will develop a program under which Federal employees may be detailed to a non-Federal employer. (*CG note:* the original bill appeared to allow each agency to develop its own system.)
- Eliminates a provision that allowed for electronic transmission of certain bi-monthly payments (section 211, ensuring efficient payments). The provision was objected by some in the Minority.
- Clarifies that options for extension of contract performance (award term) are only exercised within existing limits in law or regulation governing overall contract duration.
- Provides for the collection of data on performance-based contracting for services and sunsets such contracting after 10 years.
- Provides that services would be considered a commercial item if they are offered and sold competitively in *substantial* quantities in the commercial marketplace. (*CG note:* there has been some additional tweaks to this language.)
- Provides for a cap of 10 years on share-in-savings contracts.
- Limits domestic source restrictions in the Buy American Act and the Trade Agreements Act on commercial information technology. (*CG note:* this provision will be stricken during the HASC mark-up.)

Mark Souder and Carolyn Maloney on Federal Prison Industries:

- Provides contracting officers of the civilian agencies the same authorities available to Department of Defense contracting officers to competitively evaluate products offered by Federal Prison Industries, Inc., to assure that such products represent the best value for the taxpayer dollars being expended.

Carolyn Maloney on Iraqi reconstruction:

- Requires full disclosure of non-competitive contracting for reconstruction projects in Iraq.

Doug Ose on Reporting requirements:

- Requires agencies to report on use of Performance Based Service Acquisitions (Section 401) and on use of Business Entity Authority (Section 404)

Danny Davis on Quotas:

- This was modified by Tom Davis and accepted; it is basically the Thomas compromise that was adopted on the Omnibus Appropriations Act.

Amendments Defeated:

Dennis Kucinich – tracking the cost and quality of work performed by contractors
Need to wait for A-76 Revisions; don't need to create another database

Dennis Kucinich – “standing” for federal employees
Chairman Davis indicated that this was also a concern of his, but wanted to wait for the A-76 Revisions and would address it then, if the A-76 Revisions did not adequately deal with the issue

Linda Sanchez – prohibition on contracting with Ex-Pat companies
Too broad; also included companies that just happened to be incorporated in the “tax haven” but that employed many U.S. citizens (Rep McHugh had 25,000 constituents in his district who worked for one such company).

Carolyn Maloney – data base on debarred contracts ala HR 5292 (Contractor's Accountability Act of the 107th Congress).
Databases on debarred companies already exists; don't need to create another one.
Suggest inclusion in the revisions of the Federal Procurement Data System (that GSA is undertaking).

Carolyn Maloney – making the Chief Acquisition Officer position a career civil servant, rather than a political appointee.

Also defeated were amendments to strike the *government-industry exchange program* (section 103) and the *share-in-savings* provision (section 301)

CG Note: had heard that there were amendments to strike section 401 (making the DOD authority of PBSA government-wide) and section 404 (Business Entity authority), but these were not offered.