



H.R. 3033 – CONTRACTORS AND FEDERAL SPENDING ACCOUNTABILITY ACT OF 2007

FLOOR SITUATION

H.R. 3033 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Carolyn Maloney (D-NY) on July 12, 2007. The House Committee on Oversight and Government Reform approved the bill, as amended, by voice vote on March 13, 2008.

H.R. 3033 is expected to be considered on the floor of the House on April 23, 2008.

SUMMARY

H.R. 3033 requires the General Services Administration to create a database which includes any final convictions against government contractors and grant recipients which resulted in a penalty of over \$5,000. The database does not include information on allegations, administrative agreements, or any pending final actions against federal contractors. The database would also include federal and state debarments against firms and related administrative agreements, contract terminations for default, and final determinations that a firm is not a "responsible" source because of performance, integrity or ethics concerns.

The legislation requires contracting and grant officials to review the database to determine if, during any 3-year period, a potential awardee has had, more than once, a judgment or conviction for an offense which would constitute a cause for debarment. If such is the case, the official must document why a prospective awardee is eligible for award.

BACKGROUND

The Federal Acquisition Regulation (FAR) was created to implement uniform policies for all supply and service contracts entered into by Executive agencies. The FAR is maintained, issued, and updated by the Federal Acquisition Regulatory Council consisting of representatives of the Department of Defense, National Aeronautics and Space Administration, the General Services Administration and the Office of Federal Procurement Policy.

The FAR requires that all federal agencies only enter into contracts with responsible prospective contractors. Federal agencies can check whether the firm is currently eligible to receive contract through the Excluded Parties List System (EPLS) database that is maintained by the U.S. General Services Administration. The EPLS is a web based system listing contractors and all parties that may not receive federal contracts, subcontracts, and types of federal financial and non-financial assistance. There is currently no database providing federal agencies with information regarding final adverse judicial actions, contract terminations, or settlements of federal contractors.

[Excluded Parties List System Website](#)

COST

The Congressional Budget Office, "estimates that implementing H.R. 3033 would cost \$5 million in 2009 and about \$20 million over the 2009-2013 period."

[Full CBO cost estimate for H.R. 3033](#)

STAFF CONTACT

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