

Thursday, March 15, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business Five "One-Minutes" per side	Last Vote 3:00 p.m.

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 242–Rule to provide for consideration of H.R. 1362, the Accountability in Contracting Act (Rep. Castor-Rules):** The House will consider a structured rule for consideration of H.R. 1362. The rule provides 80 minutes of general debate, one hour equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Armed Services. The rule provides that in lieu of the amendments recommended by the Committees on Oversight and Government Reform and Armed Services now printed in the bill, the [amendment in the nature of a substitute](#) printed in Part A of the Rules Committee report accompanying the resolution shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those [amendments to the amendment in the nature of a substitute printed in Part B of the Rules Committee report](#) accompanying the resolution. The rule provides that the amendments printed in Part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Finally, the rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Castor and will proceed in the following order:
  - One hour of debate on the rule.
  - Possible vote on the Democratic motion to move the previous question. **Democrats are urged to vote YES.**
  - Vote on adoption of the rule. **Democrats are urged to vote YES.**

- **H.R. 1362 - Accountability in Contracting Act (Rep. Waxman – Oversight and Government Reform, Armed Services)**: One hour of debate on the bill will be managed by Oversight and Government Reform Chair Henry Waxman, or his designee, and twenty minutes of debate will be managed by Armed Services Chair Ike Skelton, or his designee, and consideration will proceed in the following order:
  - One hour and twenty minutes of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote YES on final passage.**

### **Bill Summary and Key Issues**

#### **Anticipated Amendments to H.R. 1362**

**Matheson (UT)** This amendment would provide Congress with prior notice of any sole source contract expected to be awarded to a foreign-owned company that is based in or has majority operations in a country known to sponsor terrorist activity, with the intent of allowing Congress to review and comment on the proposed contract. – **10 minutes**

**Castle (DE)** This amendment would require the Office of Government Ethics to submit recommendations on requiring government contractors and federally funded research and development centers that advise the government to comply with personal financial interest restrictions. – **10 minutes**

#### **H.R. 1362, the Accountability in Contracting Act**

Congress has exposed a pattern of reckless spending, poor planning, and ineffective oversight in contracting that has resulted in the waste of hundreds of millions of taxpayer dollars in no-bid contracts for Halliburton and for contracts for Hurricane Katrina. H.R. 1362 would greatly reduce waste in federal contracting by reducing the use of no-bid contracts, mandating disclosure of no-bid contracts and contract overcharges, and ensuring the integrity of government procurement officials in their dealings with private contractors.

To restore accountability in the federal contracting process, the bill would instruct agencies to minimize the use of no-bid contracts, promote the use of cost effective fixed-price contracts, and limit the duration of no-bid contracts awarded in emergencies to one year.

It would also promote transparency by requiring public disclosure of the rationale for using no-bid contracts, and require agencies to report to Congress on contract overcharges. To promote integrity in contracting, the bill would enhance ethics requirements for government procurement officials in their dealings with private contractors, especially in past or future employment for them or a member of their family.

H.R. 1362 will address these abuses by requiring the following:

### **Limiting the Length of Noncompetitive Contracts**

The Administration has justified the award of lucrative no-bid contracts by citing urgent and compelling needs. But these contracts have continued years after the emergency has passed. Section 101 would limit the duration of no-bid contracts awarded in emergencies to one year

### **Minimizing No-Bid Contracts**

Spending on no-bid contracts has more than doubled under the Bush Administration. Section 102 would curb this abuse by requiring large federal agencies to develop and implement a plan to promote competition and minimize the use of noncompetitive contracts

### **Maximizing Fixed Price Contracts**

Fixed price contracts combined with competition almost always give the taxpayer the best deal. But under the Bush Administration, cost-plus type contracts which provide contractors with little or no incentive to control costs, have grown by 75%. Section 103 would require large federal agencies to develop and implement a plan to maximize the use fixed price contracts

### **Requiring Public Disclosure of Justifications for No-Bid Contracts**

When an agency awards a no-bid contract, it must prepare a “justification and approval” document that explains why the agency did not require full and open competition. Section 201 would require agencies to make these “justification and approval” documents public within 14 days in most cases

### **Disclosing Contractor Overcharges**

The Bush Administration has hidden contractor overcharges from Congress, international auditors, and the public, impeding oversight and diminishing accountability. Section 202 would promote transparency in federal contracting by requiring that contract overcharges in excess of \$10 million be disclosed to Congress

### **Promoting Ethics in Procurement**

Section 301 would extend the bar on procurement officials taking jobs with firms they have supervised by including lobbying and legal work for government contractors, prohibit contracting officials from negotiating employment for their relatives, and establish a one-year cooling off period before procurement officials can award or oversee contracts involving a former employer

### **Quote of the Day**

“If you want the rainbow, you've got to put up with the rain.”—Dolly Parton