

**Suspend the Rules and Pass the Bill, H.R. 882, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 882

To prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2013

Mr. CHAFFETZ (for himself and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Contracting and Tax  
3 Accountability Act of 2013”.

4 **SEC. 2. GOVERNMENTAL POLICY.**

5 It is the policy of the United States Government that  
6 no Government contracts or grants should be awarded to  
7 individuals or companies with seriously delinquent Federal  
8 tax debts.

9 **SEC. 3. DISCLOSURE AND EVALUATION OF CONTRACT OF-**  
10 **FERS FROM DELINQUENT FEDERAL DEBT-**  
11 **ORS.**

12 (a) IN GENERAL.—The head of any executive agency  
13 that issues an invitation for bids or a request for proposals  
14 for a contract in an amount greater than the simplified  
15 acquisition threshold shall require each person that sub-  
16 mits a bid or proposal to submit with the bid or proposal  
17 a form—

18 (1) certifying that the person does not have a  
19 seriously delinquent tax debt; and

20 (2) authorizing the Secretary of the Treasury to  
21 disclose to the head of the agency information lim-  
22 ited to describing whether the person has a seriously  
23 delinquent tax debt.

24 (b) IMPACT ON RESPONSIBILITY DETERMINATION.—  
25 The head of any executive agency, in evaluating any offer  
26 received in response to a solicitation issued by the agency

1 for bids or proposals for a contract, shall consider a certifi-  
2 cation that the offeror has a seriously delinquent tax debt  
3 to be definitive proof that the offeror is not a responsible  
4 source as defined in section 113 of title 41, United States  
5 Code.

6 (c) DEBARMENT.—

7 (1) REQUIREMENT.—Except as provided in  
8 paragraph (2), the head of an executive agency shall  
9 initiate a suspension or debarment proceeding  
10 against a person after receiving an offer for a con-  
11 tract from such person if—

12 (A) such offer contains a certification (as  
13 required under subsection (a)(1)) that such per-  
14 son has a seriously delinquent tax debt; or

15 (B) the head of the agency receives infor-  
16 mation from the Secretary of the Treasury (as  
17 authorized under subsection (a)(2)) dem-  
18 onstrating that such a certification submitted  
19 by such person is false.

20 (2) WAIVER.—The head of an executive agency  
21 may waive paragraph (1) with respect to a person  
22 based upon a written finding of urgent and compel-  
23 ling circumstances significantly affecting the inter-  
24 ests of the United States. If the head of an executive  
25 agency waives paragraph (1) for a person, the head

1 of the agency shall submit to Congress, within 30  
2 days after the waiver is made, a report containing  
3 the rationale for the waiver and relevant information  
4 supporting the waiver decision.

5 (d) RELEASE OF INFORMATION.—The Secretary of  
6 the Treasury, in consultation with the Director of the Of-  
7 fice of Management and Budget, shall make available to  
8 all executive agencies a standard form for the authoriza-  
9 tion described in subsection (a).

10 (e) REVISION OF REGULATIONS.—Not later than 270  
11 days after the date of enactment of this subsection, the  
12 Federal Acquisition Regulation shall be revised to incor-  
13 porate the requirements of this section.

14 **SEC. 4. DISCLOSURE AND EVALUATION OF GRANT APPLI-**  
15 **CATIONS FROM DELINQUENT FEDERAL**  
16 **DEBTORS.**

17 (a) IN GENERAL.—The head of any executive agency  
18 that offers a grant in excess of an amount equal to the  
19 simplified acquisition threshold shall require each person  
20 applying for a grant to submit with the grant application  
21 a form—

22 (1) certifying that the person does not have a  
23 seriously delinquent tax debt; and

24 (2) authorizing the Secretary of the Treasury to  
25 disclose to the head of the executive agency informa-

1           tion limited to describing whether the person has a  
2           seriously delinquent tax debt.

3           (b) IMPACT ON DETERMINATION OF FINANCIAL STA-  
4 BILITY.—The head of any executive agency, in evaluating  
5 any application for a grant offered by the agency, shall  
6 consider a certification that the grant applicant has a seri-  
7 ously delinquent tax debt to be definitive proof that the  
8 applicant is high-risk and, if the applicant is awarded the  
9 grant, shall take appropriate measures under guidelines  
10 issued by the Office of Management and Budget for en-  
11 hanced oversight of high-risk grantees.

12           (c) DEBARMENT.—

13           (1) REQUIREMENT.—Except as provided in  
14 paragraph (2), the head of an executive agency shall  
15 initiate a suspension or debarment proceeding  
16 against a person after receiving a grant application  
17 from such person if—

18           (A) such application contains a certifi-  
19 cation (as required under subsection (a)(1))  
20 that such person has a seriously delinquent tax  
21 debt; or

22           (B) the head of the agency receives infor-  
23 mation from the Secretary of the Treasury (as  
24 authorized under subsection (a)(2)) dem-

1           onstrating that such a certification submitted  
2           by such person is false.

3           (2) WAIVER.—The head of an executive agency  
4           may waive paragraph (1) with respect to a person  
5           based upon a written finding of urgent and compel-  
6           ling circumstances significantly affecting the inter-  
7           ests of the United States. If the head of an executive  
8           agency waives paragraph (1) for a person, the head  
9           of the agency shall submit to Congress, within 30  
10          days after the waiver is made, a report containing  
11          the rationale for the waiver and relevant information  
12          supporting the waiver decision.

13          (d) RELEASE OF INFORMATION.—The Secretary of  
14          the Treasury, in consultation with the Director of the Of-  
15          fice of Management and Budget, shall make available to  
16          all executive agencies a standard form for the authoriza-  
17          tion described in subsection (a).

18          (e) REVISION OF REGULATIONS.—Not later than 270  
19          days after the date of the enactment of this section, the  
20          Director of the Office of Management and Budget shall  
21          revise such regulations as necessary to incorporate the re-  
22          quirements of this section.

23       **SEC. 5. DEFINITIONS AND SPECIAL RULES.**

24           For purposes of this Act:

25           (1) PERSON.—

1 (A) IN GENERAL.—The term “person” in-  
2 cludes—

- 3 (i) an individual;  
4 (ii) a partnership; and  
5 (iii) a corporation.

6 (B) EXCLUSION.—The term “person” does  
7 not include an individual seeking assistance  
8 through a grant entitlement program.

9 (C) TREATMENT OF CERTAIN PARTNER-  
10 SHIPS.—A partnership shall be treated as a  
11 person with a seriously delinquent tax debt if  
12 such partnership has a partner who—

- 13 (i) holds an ownership interest of 50  
14 percent or more in that partnership; and  
15 (ii) has a seriously delinquent tax  
16 debt.

17 (D) TREATMENT OF CERTAIN CORPORA-  
18 TIONS.—A corporation shall be treated as a  
19 person with a seriously delinquent tax debt if  
20 such corporation has an officer or a shareholder  
21 who—

- 22 (i) holds 50 percent or more, or a con-  
23 trolling interest that is less than 50 per-  
24 cent, of the outstanding shares of cor-  
25 porate stock in that corporation; and

1                   (ii) has a seriously delinquent tax  
2                   debt.

3                   (2) EXECUTIVE AGENCY.—The term “executive  
4                   agency” has the meaning given such term in section  
5                   133 of title 41, United States Code.

6                   (3) SERIOUSLY DELINQUENT TAX DEBT.—

7                   (A) IN GENERAL.—The term “seriously de-  
8                   linquent tax debt” means an outstanding Fed-  
9                   eral debt under the Internal Revenue Code of  
10                  1986 for which a notice of lien has been filed  
11                  in public records pursuant to section 6323 of  
12                  such Code.

13                  (B) EXCEPTIONS.—Such term does not in-  
14                  clude—

15                   (i) a debt that is being paid in a time-  
16                   ly manner pursuant to an agreement under  
17                   section 6159 or section 7122 of such Code;  
18                   and

19                   (ii) a debt with respect to which a col-  
20                   lection due process hearing under section  
21                   6330 of such Code, or relief under sub-  
22                   section (a), (b), or (f) of section 6015 of  
23                   such Code, is requested or pending.

**1 SEC. 6. EFFECTIVE DATE.**

2       This Act shall apply with respect to contracts and  
3 grants awarded on or after the date occurring 270 days  
4 after the date of the enactment of this Act.