

108TH CONGRESS
2D SESSION

S. 2023

To limit Department of Defense contracting with firms under investigation
by the Inspector General of the Department of Defense.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2004

Mrs. BOXER (for herself and Mr. LAUTENBERG) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To limit Department of Defense contracting with firms under
investigation by the Inspector General of the Department
of Defense.

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. LIMITATION ON DEPARTMENT OF DEFENSE**
4 **CONTRACTING WITH FIRMS UNDER INVES-**
5 **TIGATION BY THE INSPECTOR GENERAL OF**
6 **THE DEPARTMENT OF DEFENSE.**

7 (a) LIMITATION.—No official of the Department of
8 Defense may enter into a contract with, or otherwise pro-
9 cure any property or services from, a person while such
10 person is under investigation by the Inspector General of

1 the Department of Defense, unless the selection of such
2 person for such contract or other procurement is made
3 with full and open competition.

4 (b) WAIVER AUTHORITY.—

5 (1) AUTHORITY.—The President may waive the
6 applicability of subsection (a) to a person in the case
7 of any contract or other procurement of the Depart-
8 ment of Defense if the President determines that it
9 is necessary to enter into such contract or other pro-
10 curement with such person in the national security
11 interests of the United States.

12 (2) NOTIFICATION REQUIREMENT.—Not later
13 than 15 days before granting a waiver under para-
14 graph (1), the President shall transmit a notification
15 of the waiver to Congress. The notification shall in-
16 clude a description of the procurement to which the
17 waiver relates, the person from whom the procure-
18 ment is to be made, and the justification for grant-
19 ing the waiver.

20 (c) FULL AND OPEN COMPETITION DEFINED.—In
21 this section, the term “full and open competition” has the
22 meaning given such term in section 4 of the Office of Fed-
23 eral Procurement Policy Act (41 U.S.C. 403).

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