

108TH CONGRESS
2D SESSION

S. 2383

To amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2004

Mr. COLEMAN (for himself, Mr. LEVIN, Ms. COLLINS, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Central Contractor
5 Registry Act of 2004”.

1 **SEC. 2. CENTRAL CONTRACTOR REGISTRY DATABASE.**

2 (a) AUTHORITY.—Chapter 137 of title 10, United
3 States Code, is amended by inserting after section 2302d
4 the following new section:

5 **“§ 2302e. Central contractor registry**

6 “(a) ESTABLISHMENT.—The Secretary of Defense
7 shall maintain a centralized, electronic database for the
8 registration of sources of property and services who seek
9 to participate in contracts and other procurements entered
10 into by the various procurement officials of the United
11 States. The database shall be known as the ‘Central Con-
12 tractor Registry’.

13 “(b) TAXPAYER INFORMATION.—(1) The Central
14 Contractor Registry shall include the following tax-related
15 information for each source registered in that registry:

16 “(A) Each of that source’s taxpayer identifica-
17 tion numbers.

18 “(B) The source’s authorization for the Sec-
19 retary of Defense to obtain from the Commissioner
20 of Internal Revenue—

21 “(i) verification of the validity of each of
22 that source’s taxpayer identification numbers;
23 and

24 “(ii) in the case of any of such source’s
25 registered taxpayer identification numbers that

1 is determined invalid, the correct taxpayer iden-
2 tification number (if any).

3 “(2)(A) The Secretary of Defense shall require each
4 source, as a condition for registration in the Central Con-
5 tractor Registry, to provide the Secretary with the infor-
6 mation and authorization described in paragraph (1).

7 “(B) The Secretary shall—

8 “(i) warn each source seeking to register in the
9 Central Contractor Registry that the source may be
10 subject to backup for a failure to submit each such
11 number to the Secretary; and

12 “(ii) take the actions necessary to initiate the
13 backup withholding in the case of a registrant who
14 fails to register each taxpayer identification number
15 valid for the registrant and is subject to the backup
16 withholding requirement.

17 “(3) A source registered in the Central Contractor
18 Registry is not eligible for a contract entered into under
19 this chapter or title III of the Federal Property and Ad-
20 ministrative Services Act of 1949 (41 U.S.C. 251 et seq.)
21 if that source—

22 “(A) has failed to provide the authorization de-
23 scribed in paragraph (1)(B);

1 “(B) has failed to register in that registry all
2 valid taxpayer identification numbers for that
3 source; or

4 “(C) has registered in that registry an invalid
5 taxpayer identification number and fails to correct
6 that registration.

7 “(4)(A) The Secretary of Defense shall make ar-
8 rangements with the Commissioner of Internal Revenue
9 for each head of an agency within the Department of De-
10 fense to participate in the taxpayer identification number
11 matching program of the Internal Revenue Service.

12 “(B) The Commissioner of Internal Revenue shall co-
13 operate with the Secretary of Defense to determine the
14 validity of taxpayer identification numbers registered in
15 the Central Contractor Registry. As part of the coopera-
16 tion, the Commissioner shall promptly respond to a re-
17 quest of the Secretary of Defense or the head of an agency
18 within the Department of Defense for electronic validation
19 of a taxpayer identification number for a registrant by no-
20 tifying the Secretary or head of an agency, respectively,
21 of—

22 “(i) the validity of that number; and

23 “(ii) in the case of an invalid taxpayer identi-
24 fication number, any correct taxpayer identification

1 number for such registrant that the Commissioner
2 can promptly and reasonably determine.

3 “(C) The Secretary shall transmit to a registrant a
4 notification of each of the registrant’s taxpayer identifica-
5 tion numbers, if any, that is determined invalid by the
6 Commissioner of Internal Revenue and shall provide the
7 registrant with an opportunity to substitute a valid tax-
8 payer identification number.

9 “(5) The Secretary of Defense shall require that, at
10 the place in the Central Contractor Registry where the
11 taxpayer identification numbers of a registrant are to be
12 displayed, the display bear (as applicable)—

13 “(A) for each taxpayer identification number of
14 that registrant, an indicator of whether such number
15 has been determined valid, is being reviewed for va-
16 lidity, or has been determined invalid; or

17 “(B) an indicator that no taxpayer identifica-
18 tion number is required for the registrant.

19 “(6) This subsection applies to each source who reg-
20 isters any information regarding that source in the Cen-
21 tral Contractor Registry after December 31, 2004, except
22 that paragraphs (1), (2), and (3) do not apply to a source
23 who establishes to the satisfaction of the Secretary of De-
24 fense that such source is not required to have a taxpayer
25 identification number.

1 “(c) CONFIDENTIALITY OF INFORMATION.—The Sec-
2 retary of Defense shall ensure that taxpayer identification
3 numbers in the Central Contractor Registry are not made
4 available to the public. The Secretary shall prescribe a re-
5 quirement for procurement officials of the United States
6 having access to such numbers in that registry to maintain
7 the confidentiality of those numbers.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 2302d the following new
11 item:

“2302e. Central Contractor Registry.”.

