

Calendar No. 953

110TH CONGRESS
2D SESSION**H. R. 3068****[Report No. 110-455]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2007

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

SEPTEMBER 11, 2008

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

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 “Federal Protective
5 Service Guard Contracting Reform Act of 2007”.

1 **SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.**

2 (a) PROHIBITION ON AWARD OF CONTRACTS TO ANY
3 BUSINESS CONCERN OWNED, CONTROLLED, OR OPER-
4 ATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

5 The Secretary of Homeland Security may not award a
6 contract for the provision of guard services under the con-
7 tract security guard program of the Federal Protective
8 Service to any business concern that is owned, controlled,
9 or operated by an individual who has been convicted of
10 a felony.

11 (b) REGULATIONS.—Not later than 6 months after
12 the date of the enactment of this Act, the Secretary shall
13 issue regulations to carry out this section.

14 (c) IMPLEMENTATION.—In this section, the term
15 “Secretary” means the Secretary of Homeland Security
16 acting through the Assistant Secretary of U.S. Immigra-
17 tion and Customs Enforcement.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Federal Protective Serv-*
20 *ice Guard Contracting Reform Act of 2008”.*

21 **SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.**

22 (a) PROHIBITION ON AWARD OF CONTRACTS TO ANY
23 BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED
24 BY AN INDIVIDUAL CONVICTED OF A FELONY.—

1 (1) *IN GENERAL.*—*The Secretary of Homeland*
2 *Security, acting through the Assistant Secretary of*
3 *U.S. Immigration and Customs Enforcement—*

4 (A) *shall promulgate regulations estab-*
5 *lishing guidelines for the prohibition of contract*
6 *awards for the provision of guard services under*
7 *the contract security guard program of the Fed-*
8 *eral Protective Service to any business concern*
9 *that is owned, controlled, or operated by an indi-*
10 *vidual who has been convicted of a felony; and*

11 (B) *may consider permanent or interim*
12 *prohibitions when promulgating the regulations.*

13 (2) *CONTENTS.*—*The regulations under this sub-*
14 *section shall—*

15 (A) *identify which serious felonies may pro-*
16 *hibit a contractor from being awarded a con-*
17 *tract;*

18 (B) *require contractors to provide informa-*
19 *tion regarding any relevant felony convictions*
20 *when submitting bids or proposals; and*

21 (C) *provide guidelines for the contracting*
22 *officer to assess present responsibility, mitigating*
23 *factors, and the risk associated with the previous*
24 *conviction, and allow the contracting officer to*
25 *award a contract under certain circumstances.*

1 **(b) REGULATIONS.**—*Not later than 6 months after the*
2 *date of the enactment of this Act, the Secretary shall issue*
3 *regulations to carry out this section.*

4 **SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.**

5 *Not later than 18 months after the date of enactment*
6 *of the Act, the Administrator for Federal Procurement Pol-*
7 *icy shall submit a report on establishing similar guidelines*
8 *government-wide to the Committee on Homeland Security*
9 *and Governmental Affairs and the Committee on Oversight*
10 *and Government Reform of the House of Representatives.*

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