Subtitle D—Department of Defense
Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CON-
TRACTING OFFICERS AND SUSPENSION AND
DEBARMENT OFFICIALS.

(a) In General.—Subject to the authority, direc-
tion, and control of the Secretary of Defense, the Under
Secretary of Defense for Acquisition, Technology, and Lo-
istics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a mone-
tary fine, penalty, reimbursement, restitution,
or damages of $5,000 or more.

(C) In an administrative proceeding, a
finding of liability that results in—

(i) the payment of a monetary fine or
penalty of $5,000 or more; or

(ii) the payment of a reimbursement,
restitution, or damages in excess of
$100,000.

(D) In a civil or administrative proceeding,
a disposition of the matter by consent or com-
promise if the proceeding could have led to any
of the outcomes specified in subparagraph (A),
(B), or (C).

(2) Each Federal contract and grant awarded
to the person that was terminated in such period
due to default.

(3) Each Federal suspension and debarment of
the person in that period.

(4) Each Federal administrative agreement en-
tered into by the person and the Federal Gover-
ment in that period to resolve a suspension or debar-
ment proceeding and, to the maximum extent prac-
ticable, each agreement involving a suspension or de-
barment proceeding entered into by the person and
a State government in that period.

(5) Each final finding by a Federal official in
that period that the person has been determined not
to be a responsible source under either subparagraph
(C) or (D) of section 4(7) of the Office of Federal
Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN
DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under
Secretary shall design and maintain the database in
a manner that allows the appropriate officials of the
Department of Defense to directly input and update
in the information in the database relating to ac-
tions such officials have taken with regard to con-
tractors.

(2) TIMELINESS AND ACCURACY.—The Under
Secretary shall develop policies to require—

(A) the timely and accurate input of infor-
mation into the database;

(B) notification of any covered person
when information relevant to the person is en-
tered into the database; and
(C) an opportunity for any covered person
to submit comments pertaining to information
about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the
database is available to all acquisition professionals
of the Department of Defense and to Congress. This
subsection does not limit the availability of the data-
base to other Department of Defense officials or to
government officials outside the Department of De-
fense that the Under Secretary determines warrant
access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a con-
tract in excess of $500,000, the Department of
Defense official responsible for awarding the
contract shall review the database and shall
consider information in the database with re-
gard to any offer, along with other past per-
formance information available with respect to
that offeror, in making any responsibility deter-
mination or past performance evaluation for
such offeror.
(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of
the Department of Defense in excess of
$500,000 shall document the manner in which
the material in the database was considered in
any responsibility determination or past per-
formance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than
180 days after the date of the enactment of this Act, the
Defense Supplement to the Federal Acquisition Regula-
tion shall be amended to require that persons with Depart-
ment of Defense contracts valued in total greater than
$10,000,000 must semiannually submit to the Under Sec-
retary a report that includes the information subject to
inclusion in the database as listed in paragraphs (1)
through (5) of subsection (e).