

1996 Amendments. Amendment by section 6(a)(1) of Pub.L. 104-287 effective July 5, 1994, see section 6(a) of Pub.L. 104-287, set out as a note under section 2516 of Title 18, Crimes and Criminal Procedure.

Short Title

2008 Amendments. Pub.L. 110-252, Title VI, § 6201, June 30, 2008, 122 Stat. 2387, provided that: "This chapter [Pub.L. 110-252, Title VI, §§ 6201 and 6202, June 30, 2008, 122 Stat. 2386, which enacted this note and provisions set out as a note under this section and amended provisions set out as a note under this section] may be cited as the 'Government Funding Transparency Act of 2008'."

Requirements and Limitations for Suspension and Debarment Officials

Pub.L. 112-239, Div. A, Title VIII, § 861, Jan. 2, 2013, 126 Stat. 1857, 1859, provided that:

"(a) **Requirements.**--Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the head of the covered agency concerned shall ensure the following:

→ "(1) There shall be not less than one suspension and debarment official--

"(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

"(B) for the Department of State; and

"(C) for the United States Agency for International Development.

"(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the inspector general--

"(A) in the case of the Department of Defense, of either the Department of Defense or the military department or Defense Agency concerned; and

"(B) in the case of the Department of State and the United States Agency for International Development, of the covered agency concerned.

→ "(3) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

"(4) Each suspension and debarment official under paragraph (1) shall document the basis for any final decision taken pursuant to a formal referral in accordance with the policies established under paragraph (5).

"(5) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency, establish in writing policies for the consideration of the following:

"(A) Formal referrals of suspension and debarment matters.

“(B) Suspension and debarment matters that are not formally referred.”

(b) Omitted. Amends provisions set out in a note under this section.

“(c) **Covered agency.**--In this section, the term ‘covered agency’ means the Department of Defense, the Department of State, and the United States Agency for International Development.”

Role of Interagency Committee on Debarment and Suspension

Pub.L. 110-417, Div. A, Title VIII, § 873, Oct. 14, 2008, 122 Stat. 4557, as amended Pub.L. 111-383, Div. A, Title X, § 1075(e)(16), Jan. 7, 2011, 124 Stat. 4375; Pub.L. 112-239, Div. A, Title VIII, § 861(b), Jan. 2, 2013, 126 Stat. 1858, provided that:

“(a) **Requirement.**--The Interagency Committee on Debarment and Suspension shall--

→ “(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings, including with respect to contracts in connection with contingency operations;

“(2) coordinate actions among interested agencies with respect to such action;

“(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

“(4) recommend to the Office of Management and Budget changes to the Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

“(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

“(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

“(7) Submit to Congress an annual report on--

“(A) the progress and efforts to improve the suspension and debarment system;

“(B) member agencies' active participation in the committee's work;

“(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system; and

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year.

“(b) **Date of submittal of annual reports.**--The annual report required by subsection (a)(7) shall be submitted not later than January 31 of each year, beginning with January 31, 2014.

“(c) **Definitions.**--In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549 [set out under this section].”

Regulations Required

Pub.L. 110-252, Title VI, § 6202(b), June 30, 2008, 122 Stat. 2387, provided that: “The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter [Pub.L. 110-252, Title VI, §§ 6201 and 6202, June 30, 2008, 122 Stat. 2386, which enacted this note and provisions set out as a note under this section and amended provisions set out as a note under this section]. Such regulations shall include a definition of ‘total compensation’ that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).”

Federal Funding Accountability and Transparency Act of 2006

Pub.L. 109-282, §§ 1 to 4, Sept. 26, 2006, 120 Stat. 1186, as amended Pub.L. 110-252, Title VI, § 6202(a), June 30, 2008, 122 Stat. 2387, provided that:

“Sec. 1. Short Title.

“This Act [enacting this note] may be cited as the ‘Federal Funding Accountability and Transparency Act of 2006’.

“Sec. 2. Full Disclosure of Entities Receiving Federal Funding.

“(a) **Definitions.**--In this section:

“(1) **Entity.**--The term ‘entity’--

“(A) Includes, whether for profit or nonprofit--

“(i) a corporation;

“(ii) an association;

“(iii) a partnership;

“(iv) a limited liability company;

“(v) a limited liability partnership;

“(vi) a sole proprietorship;

“(vii) any other legal business entity;

“(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

“(ix) any State or locality;