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112TH CONGRESS
2D SESSION

S. 3505

To ensure the efficient use of taxpayer dollars in construction-related contracts for reconstruction efforts in Afghanistan by requiring reporting to Congress by Federal agencies that refuse to implement, or only partially concur with, SIGAR recommendations to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost overruns, or other reasons.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mrs. SHAHEEN (for herself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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A BILL

To ensure the efficient use of taxpayer dollars in construction-related contracts for reconstruction efforts in Afghanistan by requiring reporting to Congress by Federal agencies that refuse to implement, or only partially concur with, SIGAR recommendations to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost overruns, or other reasons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Afghanistan Contractor Accountability Act of 2012''.

SEC. 2. REPORTING REQUIREMENT FOR FEDERAL AGENCIES WITH CONSTRUCTION CONTRACTS IN AFGHANISTAN THAT DO NOT COMPLY WITH SIGAR RECOMMENDATIONS REGARDING REIMBURSEMENT FOR POOR CONTRACTOR PERFORMANCE, COST OVERRUNS, OR OTHER REASONS.

(a) IN GENERAL.—Not later than 30 days after the end of the 60-day period for an audited executive agency to respond to a covered final audit report submitted to the agency by the Special Inspector General for Afghanistan Reconstruction, or 30 days after an executive agency responds to a covered audit report with a non-concur or partial concur response, the head of the executive agency shall submit to Congress a report with an explanation for the failure to respond or the non-concur or partial concur response.

(b) DEFINITIONS.—In this Act—

(1) the term ''covered final audit report'' means a final audit report issued by the Special Inspector General for Afghanistan Reconstruction that includes a recommendation for an executive agency to seek reimbursement for failure by a contractor or

subcontractor to successfully complete a construction contract due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least $500,000 in savings; and

(2) the term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

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