

Public Law 110–356  
110th Congress

An Act

Oct. 8, 2008  
[H.R. 3068]

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Federal  
Protective  
Service Guard  
Contracting  
Reform Act  
of 2008.  
40 USC 1315  
note.  
Regulations.  
40 USC 1315  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Protective Service Guard Contracting Reform Act of 2008”.

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

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

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

(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

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

(2) CONTENTS.—The regulations under this subsection shall—

(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

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

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

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

40 USC 1315  
note.

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

Approved October 8, 2008.

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**LEGISLATIVE HISTORY—H.R. 3068:**

HOUSE REPORTS: No. 110–328 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 110–455 (Comm. on Homeland Security and Governmental Affairs).

**CONGRESSIONAL RECORD:**

Vol. 153 (2007): Oct. 2, considered and passed House.

Vol. 154 (2008): Sept. 23, considered and passed Senate, amended.  
Sept. 27, House concurred in Senate amendment.