

111TH CONGRESS
2D SESSION

H. R. 5366

To require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mr. WELCH introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

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 “Overseas Contractor
5 Reform Act”.

6 **SEC. 2. REQUIREMENT TO PROPOSE FOR DEBARMENT PER-**
7 **SONS VIOLATING THE FOREIGN CORRUPT**
8 **PRACTICES ACT.**

9 (a) REQUIREMENT TO PROPOSE FOR DEBARMENT.—

10 Unless waived by the head of a Federal agency under sub-

1 section (b), any person found to be in violation of the For-
2 eign Corrupt Practices Act of 1977 shall be proposed for
3 debarment from any contract or grant awarded by the
4 Federal Government within 30 days after a final judgment
5 of such violation.

6 (b) WAIVER.—The head of a Federal agency may
7 waive this section for a Federal contract or grant. Any
8 such waiver shall be reported to Congress by the head of
9 the agency concerned within 30 days from the date of the
10 waiver, along with an accompanying justification.

11 (c) FINAL JUDGMENT.—For purposes of this section,
12 a judgment becomes final when all appeals of the judg-
13 ment have been finally determined, or all time for filing
14 such appeals has expired.

15 (d) DEFINITIONS.—In this section:

16 (1) CONTRACT.—The term “contract” means a
17 binding agreement entered into by a Federal agency
18 for the purpose of obtaining property or services.

19 (2) PERSON.—The term “person” includes—

20 (A) an individual;

21 (B) a partnership; and

22 (C) a corporation.

23 (3) FOREIGN CORRUPT PRACTICES ACT OF
24 1977.—The term “Foreign Corrupt Practices Act of
25 1977” means—

1 (A) section 30A of the Securities Exchange
2 Act of 1934 (15 U.S.C. 78dd–1); and

3 (B) sections 104 and 104A of the Foreign
4 Corrupt Practices Act (15 U.S.C. 78dd–2).

5 **SEC. 3. GOVERNMENTAL POLICY.**

6 It is the policy of the United States Government that
7 no Government contracts or grants should be awarded to
8 individuals or companies who violate the Foreign Corrupt
9 Practices Act of 1977.

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