

111TH CONGRESS
2D SESSION

H. R. 5366

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2010

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Overseas Contractor
3 Reform Act”.

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

7 (a) REQUIREMENT TO PROPOSE FOR DEBARMENT.—

8 Unless waived by the head of a Federal agency under sub-
9 section (b), any person found to be in violation of the For-
10 eign Corrupt Practices Act of 1977 shall be proposed for
11 debarment from any contract or grant awarded by the
12 Federal Government within 30 days after a final judgment
13 of such violation.

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

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

23 (d) DEFINITIONS.—In this section:

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

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

2 (A) an individual;

3 (B) a partnership; and

4 (C) a corporation.

5 (3) FOREIGN CORRUPT PRACTICES ACT OF

6 1977.—The term “Foreign Corrupt Practices Act of

7 1977” means—

8 (A) section 30A of the Securities Exchange

9 Act of 1934 (15 U.S.C. 78dd-1); and

10 (B) sections 104 and 104A of the Foreign

11 Corrupt Practices Act (15 U.S.C. 78dd-2).

12 **SEC. 3. GOVERNMENTAL POLICY.**

13 It is the policy of the United States Government that

14 no Government contracts or grants should be awarded to

15 individuals or companies who violate the Foreign Corrupt

16 Practices Act of 1977.

Passed the House of Representatives September 15,
2010.

Attest:

LORRAINE C. MILLER,

Clerk.