

113TH CONGRESS
2D SESSION

H. R. 5727

To require certifications by prospective contractors with the United States Government that they are not boycotting persons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2014

Mr. LAMBORN introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certifications by prospective contractors with the United States Government that they are not boycotting persons, and for other purposes.

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. CERTIFICATIONS BY PROSPECTIVE CONTRAC-**
4 **TORS REGARDING BOYCOTTING ACTIVITIES.**

5 (a) DECLARATION OF POLICY.—Section 3(5)(A) of
6 the Export Administration Act of 1979 (50 U.S.C.
7 2402(5)(A)), as in effect pursuant to the International

1 Emergency Economic Powers Act (50 U.S.C. 1701 et
2 seq.), is amended to read as follows:

3 “(A) to oppose restrictive trade practices
4 or boycotts against other countries friendly to
5 the United States or against any United States
6 person;”.

7 (b) MODIFICATION OF THE FAR.—

8 (1) CERTIFICATION.—Not later than the 90th
9 day after the date of the enactment of this Act, the
10 Federal Acquisition Regulation shall be revised to
11 require a certification from each person that is a
12 prospective contractor that the person, and any per-
13 son owned or controlled by the person, is not a boy-
14 coting person.

15 (2) WAIVER.—The President may on a case-by-
16 case basis waive the requirement that a person make
17 a certification under paragraph (1) if the President
18 determines and certifies in writing to the Committee
19 on Energy and Commerce of the House of Rep-
20 resentatives and the Committee on Banking, Hous-
21 ing, and Urban Affairs of the Senate that it is es-
22 sential to the national security interests of the
23 United States to do so.

24 (c) FALSE CERTIFICATIONS.—

1 (1) PENALTIES.—If the head of an executive
2 agency determines that a person has submitted a
3 false certification under subsection (b) on or after
4 the date on which the revision of the Federal Acquisition
5 Regulation required by subsection (b) becomes
6 effective, the head of that executive agency shall terminate
7 any contract with such person and debar and
8 suspend such person from eligibility for Federal contracts
9 for a period of not less than 2 years. Any
10 such debarment and suspension shall be subject to
11 the procedures that apply to debarment and suspension
12 under the Federal Acquisition Regulation under
13 subpart 9.4 of part 9 of title 48, Code of Federal
14 Regulations.

15 (2) INCLUSION ON LIST OF DEBARRED CONTRACTORS.—The Administrator of General Services
16 shall include on the listing of contractors debarred,
17 suspended, or proposed for debarment that is maintained
18 by the Administrator under subpart 9.4 of
19 the Federal Acquisition Regulation each person that
20 is debarred, suspended, or proposed for debarment
21 or suspension by the head of an executive agency on
22 the basis of a determination of a false certification
23 under paragraph (1).
24 under paragraph (1).

25 (d) DEFINITIONS.—In this section:

1 (1) BOYCOTTING PERSON.—

2 (A) IN GENERAL.—The term “boycotting
3 person” means a person who takes or know-
4 ingly agrees to take any of the actions described
5 in subparagraph (B) with the intent to comply
6 with, further, or support any boycott against a
7 country with which the United States has a free
8 trade agreement and which is not itself the ob-
9 ject of any form of boycott pursuant to United
10 States law or regulation.

11 (B) ACTIONS DESCRIBED.—The actions re-
12 ferred to in subparagraph (A) are refusing, or
13 requiring any other person to refuse, to do busi-
14 ness with or in the boycotted country, with any
15 national or resident of the boycotted country, or
16 a business concern organized under the laws of
17 the boycotted country.

18 (2) EXECUTIVE AGENCY.—The term “executive
19 agency” has the meaning given that term in section
20 133 of title 41, United States Code.

21 (e) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), this section and the amendment made by
24 this section shall take effect upon the expiration of

1 the 90-day period beginning on the date of the en-
2 actment of this Act.

3 (2) REVISION OF FAR.—Subsection (b)(1) shall
4 take effect on the date of the enactment of this Act.

○