

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.

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## 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

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## 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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