

112TH CONGRESS
1ST SESSION

H. R. 3588

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

DECEMBER 7, 2011

Mr. WELCH (for himself and Mr. CHAFFETZ) 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 Subject to subsections (b) and (c), any person found to

1 be in violation of the Foreign Corrupt Practices Act of
2 1977 shall be proposed for debarment from any contract
3 or grant awarded by the Federal Government within 30
4 days after the judgment finding such person to be in viola-
5 tion becomes final.

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

11 (c) EXEMPTION FOR SELF-REPORTED VIOLA-
12 TIONS.—Upon a determination by the head of a Federal
13 agency that a person has reported a violation of the For-
14 eign Corrupt Practices Act of 1977 voluntarily to the Fed-
15 eral Government, the head of the agency may exempt the
16 person from the applicability of this Act.

17 (d) FINAL JUDGMENT.—For purposes of this Act, a
18 judgment becomes final when all appeals of the judgment
19 have been finally determined, or all time for filing such
20 appeals has expired.

21 (e) DEFINITIONS.—In this Act:

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

1 (2) FOREIGN CORRUPT PRACTICES ACT OF
2 1977.—The term “Foreign Corrupt Practices Act of
3 1977” means—

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

6 (B) sections 104 and 104A of the Foreign
7 Corrupt Practices Act (15 U.S.C. 78dd–2 and
8 78dd–3).

9 **SEC. 3. GOVERNMENTAL POLICY.**

10 It is the policy of the United States Government that
11 no Government contracts or grants should be awarded to
12 individuals or companies who violate the Foreign Corrupt
13 Practices Act of 1977 after the date of the enactment of
14 this Act.

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