

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. POE OF TEXAS**

At the end of subtitle E of title XII, add the following:

1 **SEC. 1256. MEASURES AGAINST PERSONS INVOLVED IN AC-**
2 **TIVITIES THAT VIOLATE ARMS CONTROL**
3 **TREATIES OR AGREEMENTS WITH THE**
4 **UNITED STATES.**

5 (a) IMPOSITION OF MEASURES.—

6 (1) IN GENERAL.—Except as provided in sub-
7 section (c), on and after the date that is 90 days
8 after the date of the enactment of this Act, the
9 President shall impose the measures described in
10 subsection (b) with respect to—

11 (A) a person the President determines—

12 (i)(I) is an individual who is a citizen,
13 national, or permanent resident of a coun-
14 try described in paragraph (2); or

15 (II) is an entity organized under the
16 laws of a country described in paragraph
17 (2); and

1 (ii) has engaged in any activity that
2 contributed to or is a significant factor in
3 the President's or the Secretary of State's
4 determination that such country is not in
5 full compliance with its obligations as fur-
6 ther described in paragraph (2); and

7 (B) a person the President determines has
8 provided material support to a person described
9 in subparagraph (A).

10 (2) COUNTRY DESCRIBED.—A country de-
11 scribed in this paragraph is a country that the
12 President or the Secretary of State has determined,
13 in the most recent annual report submitted to Con-
14 gress pursuant to section 403 of the Arms Control
15 and Disarmament Act (22 U.S.C. 2593a), is not in
16 full compliance with its obligations undertaken in all
17 arms control, nonproliferation, and disarmament
18 agreements or commitments to which the United
19 States is a participating state.

20 (b) MEASURES DESCRIBED.—

21 (1) IN GENERAL.—The measures to be imposed
22 with respect to a person under subsection (a) are the
23 following:

24 (A) The President shall, pursuant to the
25 International Emergency Economic Powers Act

1 (50 U.S.C. 1701 et seq.), block and prohibit all
2 transactions in all property and interests in
3 property of the person if such property and in-
4 terests in property are in the United States,
5 come within the United States, or are or come
6 within the possession or control of a United
7 States person.

8 (B) The head of any executive agency (as
9 defined in section 133 of title 41, United States
10 Code) may not enter into, renew, or extend a
11 contract for the procurement of goods or serv-
12 ices with the person.

13 (2) EXCEPTION RELATING TO IMPORTATION OF
14 GOODS.—

15 (A) IN GENERAL.—The requirement to
16 block and prohibit all transactions in all prop-
17 erty and interests in property under paragraph
18 (1)(A) shall not include the authority to impose
19 sanctions on the importation of goods.

20 (B) GOOD DEFINED.—In this paragraph,
21 the term “good” has the meaning given that
22 term in section 16 of the Export Administration
23 Act of 1979 (50 U.S.C. 4618) (as continued in
24 effect pursuant to the International Emergency

1 Economic Powers Act (50 U.S.C. 1701 et
2 seq.)).

3 (3) REQUIREMENT TO REVISE REGULATIONS.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of the enactment of this Act, the
6 Federal Acquisition Regulation, the Defense
7 Federal Acquisition Regulation Supplement,
8 and the Uniform Administrative Requirements,
9 Cost Principles, and Audit Requirements for
10 Federal Awards shall be revised to implement
11 paragraph (1)(B).

12 (B) CERTIFICATIONS.—The revisions to
13 the Federal Acquisition Regulation under sub-
14 paragraph (A) shall include a requirement for a
15 certification from each person that is a prospec-
16 tive contractor that the person, and any person
17 owned or controlled by the person, does not en-
18 gage in any activity described in subsection
19 (a)(1)(A)(ii).

20 (C) REMEDIES.—If the head of an execu-
21 tive agency determines that a person has sub-
22 mitted a false certification under subparagraph
23 (B) on or after the date on which the applicable
24 revision of the Federal Acquisition Regulation
25 required by this paragraph becomes effective—

1 (i) the head of that executive agency
2 shall terminate a contract with such person
3 or debar or suspend such person from eli-
4 gibility for Federal contracts for a period
5 of not less than 2 years;

6 (ii) any such debarment or suspension
7 shall be subject to the procedures that
8 apply to debarment and suspension under
9 the Federal Acquisition Regulation under
10 subpart 9.4 of part 9 of title 48, Code of
11 Federal Regulations; and

12 (iii) the Administrator of General
13 Services shall include on the List of Par-
14 ties Excluded from Federal Procurement
15 and Nonprocurement Programs maintained
16 by the Administrator under part 9 of the
17 Federal Acquisition Regulation each per-
18 son that is debarred, suspended, or pro-
19 posed for debarment or suspension by the
20 head of an executive agency on the basis of
21 a determination of a false certification
22 under subparagraph (B).

23 (4) UNITED STATES PERSON DEFINED.—In this
24 subsection, the term “United States person”
25 means—

1 (A) a natural person who is a citizen or
2 resident of the United States or a national of
3 the United States (as defined in section 101(a)
4 of the Immigration and Nationality Act (8
5 U.S.C. 1101(a)); and

6 (B) an entity that is organized under the
7 laws of the United States or any State.

8 (c) WAIVER.—

9 (1) IN GENERAL.—The President may waive
10 the application of measures on a case-by-case basis
11 under subsection (a) with respect to a person if the
12 President—

13 (A) determines that—

14 (i)(I) in the case of a person described
15 in subsection (a)(1)(A), the person did not
16 knowingly engage in any activity described
17 in such subsection; or

18 (II) in the case of a person described
19 in subsection (a)(1)(B), the person con-
20 ducted or facilitated a transaction or
21 transactions with, or provided financial
22 services to, a person described in sub-
23 section (a)(1)(A) that did not knowingly
24 engage in any activity described in such
25 subsection; and

1 (ii) the waiver is in the national secu-
2 rity interest of the United States; and

3 (B) submits to the appropriate congres-
4 sional committees a report on the determination
5 and the reasons for the determination.

6 (2) FORM OF REPORT.—The report required by
7 paragraph (1)(B) shall be submitted in unclassified
8 form, but may include a classified annex.

9 (3) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term “ap-
11 propriate congressional committees” means—

12 (A) the Committee on Armed Services, the
13 Committee on Foreign Affairs, and the Perma-
14 nent Select Committee on Intelligence of the
15 House of Representatives; and

16 (B) the Committee on Armed Services, the
17 Committee on Foreign Relations, and the Select
18 Committee on Intelligence of the Senate.

19 (d) TERMINATION.—The measures imposed with re-
20 spect to a person under subsection (a) shall terminate on
21 the date on which the President submits to Congress a
22 subsequent annual report pursuant to section 403 of the
23 Arms Control and Disarmament Act (22 U.S.C. 2593a)
24 that does not contain a determination of the President
25 that the country described in subsection (a)(2) with re-

1 spect to which the measures were imposed with respect
2 to the person is a country that is not in full compliance
3 with its obligations undertaken in all arms control, non-
4 proliferation, and disarmament agreements or commit-
5 ments to which the United States is a participating state.

