

**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. 12__ . 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 head of any executive agency (as defined in section
24 133 of title 41, United States Code) may not enter

1 into, renew, or extend a contract for the procure-
2 ment of goods or services with the person.

3 (2) EXCEPTION FOR MAJOR ROUTES OF SUP-
4 PLY.—The requirement to impose measures under
5 paragraph (1) shall not apply with respect to any
6 contract for the procurement of goods or services
7 along a major route of supply to a zone of active
8 combat or major contingency operation.

9 (3) REQUIREMENT TO REVISE REGULATIONS.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of the enactment of this Act, the
12 Federal Acquisition Regulation, the Defense
13 Federal Acquisition Regulation Supplement,
14 and the Uniform Administrative Requirements,
15 Cost Principles, and Audit Requirements for
16 Federal Awards shall be revised to implement
17 paragraph (1)(B).

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

1 (C) REMEDIES.—If the head of an execu-
2 tive agency determines that a person has sub-
3 mitted a false certification under subparagraph
4 (B) on or after the date on which the applicable
5 revision of the Federal Acquisition Regulation
6 required by this paragraph becomes effective—

7 (i) the head of that executive agency
8 shall terminate a contract with such person
9 or debar or suspend such person from eli-
10 gibility for Federal contracts for a period
11 of not less than 2 years;

12 (ii) any such debarment or suspension
13 shall be subject to the procedures that
14 apply to debarment and suspension under
15 the Federal Acquisition Regulation under
16 subpart 9.4 of part 9 of title 48, Code of
17 Federal Regulations; and

18 (iii) the Administrator of General
19 Services shall include on the List of Par-
20 ties Excluded from Federal Procurement
21 and Nonprocurement Programs maintained
22 by the Administrator under part 9 of the
23 Federal Acquisition Regulation each per-
24 son that is debarred, suspended, or pro-
25 posed for debarment or suspension by the

1 head of an executive agency on the basis of
2 a determination of a false certification
3 under subparagraph (B).

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

7 (A) a natural person who is a citizen or
8 resident of the United States or a national of
9 the United States (as defined in section 101(a)
10 of the Immigration and Nationality Act (8
11 U.S.C. 1101(a)); and

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

14 (c) WAIVER.—

15 (1) IN GENERAL.—The President may waive
16 the application of measures on a case-by-case basis
17 under subsection (a) with respect to a person if the
18 President—

19 (A) determines that—

20 (i)(I) in the case of a person described
21 in subsection (a)(1)(A), the person did not
22 knowingly engage in any activity described
23 in such subsection; or

24 (II) in the case of a person described
25 in subsection (a)(1)(B), the person con-

1 ducted or facilitated a transaction or
2 transactions with, or provided financial
3 services to, a person described in sub-
4 section (a)(1)(A) that did not knowingly
5 engage in any activity described in such
6 subsection; and

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

9 (B) submits to the appropriate congres-
10 sional committees a report on the determination
11 and the reasons for the determination.

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

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

18 (A) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Perma-
20 nent Select Committee on Intelligence of the
21 House of Representatives; and

22 (B) the Committee on Armed Services, the
23 Committee on Foreign Relations, and the Select
24 Committee on Intelligence of the Senate.

1 (d) TERMINATION.—The measures imposed with re-
2 spect to a person under subsection (a) shall terminate on
3 the date on which the President submits to Congress a
4 subsequent annual report pursuant to section 403 of the
5 Arms Control and Disarmament Act (22 U.S.C. 2593a)
6 that does not contain a determination of the President
7 that the country described in subsection (a)(2) with re-
8 spect to which the measures were imposed with respect
9 to the person is a country that is not in full compliance
10 with its obligations undertaken in all arms control, non-
11 proliferation, and disarmament agreements or commit-
12 ments to which the United States is a participating state.

