

**AMENDMENT TO H.R. 5136, AS REPORTED  
OFFERED BY MR. KLEIN OF FLORIDA**

#60  
revised

Page 296, line 5, add after "Defense" the following:  
", beginning 90 days after the date of the enactment of  
this Act,".

Page 296, lines 13 and 14, strike "with actual  
knowledge, engages" and insert "when entering into a  
contract with the Department of Defense for goods and  
services, fails to certify to the contracting officer that the  
entity does not engage".

Page 296, line 15, strike "have been imposed" and  
insert "may be imposed".

Page 296, strike line 17 and all that follows through  
page 297, line 22, and insert the following:

- 1 (b) REMEDIES.—  
2 (1) IN GENERAL.—If the Secretary of Defense,  
3 in consultation with the Secretary of State, deter-  
4 mines that an entity has submitted a false certifi-  
5 cation under subsection (a)(2), the Secretary of De-  
6 fense may terminate a contract with such entity or  
7 debar or suspend such entity from eligibility for De-  
8 partment of Defense contracts for a period of not

1 more than 3 years. Any such debarment or suspen-  
2 sion shall be subject to the procedures that apply to  
3 debarment and suspension under the Federal Acqui-  
4 sition Regulation under subpart 9.4 of part 9 of title  
5 48, Code of Federal Regulations.

6 (2) INCLUSION ON LIST OF PARTIES EXCLUDED  
7 FROM FEDERAL PROCUREMENT AND NONPROCURE-  
8 MENT PROGRAMS.—The Administrator of General  
9 Services shall include on the List of Parties Ex-  
10 cluded from Federal Procurement and Nonprocure-  
11 ment Programs maintained by the Administrator  
12 under part 9 of the Federal Acquisition Regulation  
13 issued pursuant to section 25 of the Office of Fed-  
14 eral Procurement Policy Act (41 U.S.C. 421) each  
15 entity that is debarred, suspended, or proposed for  
16 debarment or suspension by the Secretary on the  
17 basis of a determination of a false certification  
18 under paragraph (1).

19 (c) WAIVERS.—

20 (1) AUTHORITY.—The Secretary of Defense  
21 may on a case by-case basis waive the requirement  
22 that an entity make a certification under subsection  
23 (a)(2) if the Secretary determines that it is in the  
24 interest of national security to do so.

1           (2) CONTENTS OF CERTIFICATION.—Upon  
2           issuing a waiver under paragraph (1) with respect to  
3           an entity, the Secretary of Defense shall submit to  
4           the Committees on Armed Services of the Senate  
5           and House of Representatives, the Committee on  
6           Foreign Relations of the Senate, and the Committee  
7           on Foreign Affairs of the House of Representatives  
8           a notification that identifies the entity involved, the  
9           nature of the contract, and the rationale for issuing  
10          the waiver.

