

#167
4th Revision

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY Ms. SHEA-PORTER OF NEW
HAMPSHIRE**

At the end of title VIII, add the following new section:

1 **SEC. 839. PENALTIES ON CONTRACTORS NOT PROVIDING**
2 **INFORMATION TO DATABASES ON CON-**
3 **TRACTS IN IRAQ AND AFGHANISTAN.**

4 Section 861 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C.
6 2302 note) is amended by adding at the end the following
7 new subsection:

8 “(e) PENALTIES.—Any contract in Iraq or Afghani-
9 stan entered into or modified after September 1, 2011,
10 shall include a clause requiring the imposition of a pen-
11 alty, by the department or agency awarding the contract,
12 on any contractor that does not comply with requirements
13 under this section, including requirements in the memo-
14 randum of understanding required by subsection (a), to
15 provide information for the common databases identified
16 under subsection (b)(4), including updating the informa-
17 tion required. The penalty shall consist of the withholding
18 of award and incentive fees.”

Page 304, line 15, strike “and”.

Page 304, line 21, strike the period and insert “;
and”.

Page 304, after line 21, insert the following:

1 “(C) the penalties, if any, imposed by the
2 departments and agency on contractors for fail-
3 ing to comply with requirements under section
4 861(e), including requirements to provide infor-
5 mation for the common databases identified
6 under section 861(b)(4).

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