

[§ 2407. Renumbered § 2350b]

NATO COOPERATIVE LOGISTIC SUPPORT AGREEMENTS

Pub. L. 99-661, div. A, title XI, § 1102, Nov. 14, 1986, 100 Stat. 3961, which authorized Secretary of Defense to enter Weapon System Partnership Agreements with one or more governments of other member countries of NATO, was repealed by Pub. L. 101-189, div. A, title IX, § 931(d)(2), Nov. 29, 1989, 103 Stat. 1535. See section 2350d of this title.

NATO COOPERATIVE RESEARCH AND DEVELOPMENT

Pub. L. 99-145, title XI, § 1103, Nov. 8, 1985, 99 Stat. 712, which urged and requested member nations of NATO to cooperate in research and development of defense equipment and munitions and in the production of defense equipment, was repealed by Pub. L. 101-189, div. A, title IX, § 931(d)(1), Nov. 29, 1989, 103 Stat. 1535. See section 2350a of this title.

AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH NATO AWACS PROGRAM

Pub. L. 97-86, title I, § 103, Dec. 1, 1981, 95 Stat. 1100, as amended by Pub. L. 97-252, title I, § 106, Sept. 8, 1982, 96 Stat. 720; Pub. L. 98-94, title I, § 105, Sept. 24, 1983, 97 Stat. 620; Pub. L. 98-525, title I, § 106, Oct. 19, 1984, 98 Stat. 2503; Pub. L. 99-145, title I, § 106(b), Nov. 8, 1985, 99 Stat. 596; Pub. L. 99-661, title I, § 106, Nov. 14, 1986, 100 Stat. 3827; Pub. L. 100-180, title I, § 109, Dec. 4, 1987, 101 Stat. 1036, which set forth authority of Secretary of Defense in connection with NATO AWACS Program, was repealed by Pub. L. 101-189, div. A, title IX, § 932(b), Nov. 29, 1989, 103 Stat. 1537. See section 2350e of this title. Similar provisions were contained in the following prior authorization acts:

Pub. L. 96-342, title I, § 103, Sept. 8, 1980, 94 Stat. 1078.
Pub. L. 96-107, title I, § 104, Nov. 9, 1979, 93 Stat. 804.

§ 2408. Prohibition on persons convicted of defense-contract related felonies and related criminal penalty on defense contractors

(a) PROHIBITION.—(1) An individual who is convicted of fraud or any other felony arising out of a contract with the Department of Defense shall be prohibited from each of the following:

(A) Working in a management or supervisory capacity on any defense contract or any first tier subcontract of a defense contract.

(B) Serving on the board of directors of any defense contractor or any subcontractor awarded a contract directly by a defense contractor.

(C) Serving as a consultant to any defense contractor or any subcontractor awarded a contract directly by a defense contractor.

(D) Being involved in any other way, as determined under regulations prescribed by the Secretary of Defense, with a defense contract or first tier subcontract of a defense contract.

(2) Except as provided in paragraph (3), the prohibition in paragraph (1) shall apply for a period, as determined by the Secretary of Defense, of not less than five years after the date of the conviction.

(3) The prohibition in paragraph (1) may apply with respect to an individual for a period of less than five years if the Secretary determines that the five-year period should be waived in the interests of national security.

(4) The prohibition in paragraph (1) does not apply with respect to the following:

(A) A contract referred to in subparagraph (A), (B), (C), or (D) of such paragraph that is not greater than the simplified acquisition threshold (as defined in section 134 of title 41).

(B) A contract referred to in such subparagraph that is for the acquisition of commercial items (as defined in section 103 of title 41).

(C) A subcontract referred to in such subparagraph that is under a contract described in subparagraph (A) or (B).

(b) CRIMINAL PENALTY.—A defense contractor or subcontractor shall be subject to a criminal penalty of not more than \$500,000 if such contractor or subcontractor is convicted of knowingly—

(1) employing a person under a prohibition under subsection (a); or

(2) allowing such a person to serve on the board of directors of such contractor or subcontractor.

(c) SINGLE POINT OF CONTACT FOR INFORMATION.—(1) The Attorney General shall ensure that a single point of contact is established to enable a defense contractor or subcontractor to promptly obtain information regarding whether a person that the contractor or subcontractor proposes to use for an activity covered by paragraph (1) of subsection (a) is under a prohibition under that subsection.

(2) The procedure for obtaining such information shall be specified in regulations prescribed by the Secretary of Defense under subsection (a).

(Added Pub. L. 99-500, § 101(c) [title X, § 941(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-161, and Pub. L. 99-591, § 101(c) [title X, § 941(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-161; Pub. L. 99-661, div. A, title IX, formerly title IV, § 941(a)(1), Nov. 14, 1986, 100 Stat. 3941, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 100-456, div. A, title VIII, § 831(a), Sept. 29, 1988, 102 Stat. 2023; Pub. L. 101-510, div. A, title VIII, § 812, Nov. 5, 1990, 104 Stat. 1596; Pub. L. 102-484, div. A, title VIII, § 815(a), Oct. 23, 1992, 106 Stat. 2454; Pub. L. 103-355, title IV, § 4102(g), title VIII, § 8105(h), Oct. 13, 1994, 108 Stat. 3340, 3393; Pub. L. 104-106, div. A, title X, § 1062(e), Feb. 10, 1996, 110 Stat. 444; Pub. L. 111-350, § 5(b)(26), Jan. 4, 2011, 124 Stat. 3844.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 added identical sections.

AMENDMENTS

2011—Subsec. (a)(4)(A). Pub. L. 111-350, § 5(b)(26)(A), substituted “section 134 of title 41” for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))”.

Subsec. (a)(4)(B). Pub. L. 111-350, § 5(b)(26)(B), substituted “section 103 of title 41” for “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”.

1996—Subsec. (a)(3). Pub. L. 104-106 struck out at end “If the five-year period is waived, the Secretary shall submit to Congress a report stating the reasons for the waiver.”

1994—Subsec. (a)(4). Pub. L. 103-355, § 4102(g), added introductory provisions and subpar. (A).

Subsec. (a)(4)(B). Pub. L. 103-355, § 8105(h)(1), added subpar. (B).

Subsec. (a)(4)(C). Pub. L. 103-355, § 8105(h)(2), inserted “or (B)” before period at end.

Pub. L. 103-355, § 4102(g), added subpar. (C).

1992—Subsec. (c). Pub. L. 102-484 added subsec. (c).