

S 2782

Lieutenant Colonel Dominic "Rocky" Baragona Justice for American Heroes Harmed by Contractors Act

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Nov 17, 2009

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 682.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 682. (Dec 9, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/2782>

Sponsor

Name: Sen. McCaskill, Claire [D-MO]

Party: Democratic • State: MO • Chamber: Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bennett, Robert F. [R-UT]	R · UT		Nov 17, 2009
Sen. Brown, Sherrod [D-OH]	D · OH		Nov 17, 2009
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Nov 17, 2009
Sen. Collins, Susan M. [R-ME]	R · ME		Nov 17, 2009
Sen. LeMieux, George S. [R-FL]	R · FL		Nov 17, 2009
Sen. Nelson, Bill [D-FL]	D · FL		Nov 17, 2009
Sen. Tester, Jon [D-MT]	D · MT		Dec 4, 2009
Sen. Leahy, Patrick J. [D-VT]	D · VT		Sep 16, 2010
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Sep 16, 2010

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Dec 9, 2010

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
111 S 526	Related bill	Nov 18, 2009: Committee on Homeland Security and Governmental Affairs Subcommittee on Contracting Oversight. Hearings held.
111 HR 2349	Related bill	Jun 26, 2009: Referred to the Subcommittee on Government Management, Organization, and Procurement.

Lieutenant Colonel Dominic "Rocky" Baragona Justice for American Heroes Harmed by Contractors Act - Directs the Federal Acquisition Regulatory Council to amend the Federal Acquisition Regulation (FAR) to: (1) permit the debarment or suspension of U.S. government contractors for evading service of process in civil or criminal proceedings brought against them by a U.S. citizen or national in connection with an obligation under the terms of a government contract or for failing to appear in federal court in such proceedings; and (2) require such contractors performing federal contracts of \$5 million or more outside the United States to consent to personal jurisdiction over them in any future civil action brought by the United States alleging wrongdoing associated with contract performance and in any future civil action alleging a rape or sexual assault of or serious bodily injury to a member of the Armed Forces, a federal civilian employee, or an employee of a company performing work for the United States who is a U.S. citizen or national.

Requires the contractor to: (1) consent to personal jurisdiction in the United States District Court for the District of Columbia for a covered civil action in which the events giving rise to the cause of action occurred outside the United States and where personal jurisdiction cannot be established in another federal court; and (2) designate an agent located in the United States for service of process in any covered civil action if the covered contract was awarded to a contractor that does not maintain an office in the United States.

Requires: (1) a covered civil action to be analyzed in accordance with U.S. law; and (2) the substantive law of the state (including the District of Columbia) in which the covered civil action is brought to be the law applicable to a covered civil action if the substantive law otherwise applicable to the covered civil action would be the law of the location where the events giving rise to the cause of action occurred and if the location is designated as a hazardous duty zone by the Secretary of Defense (DOD).

Provides that nothing in this Act shall be construed to limit: (1) the ability of a contractor to assert any settled right under the U.S. Constitution; and (2) any other jurisdictional basis for a civil action against or criminal prosecution of a contractor.

Actions Timeline

- **Dec 9, 2010:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with an amendment in the nature of a substitute. Without written report.
- **Dec 9, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 682.
- **Apr 28, 2010:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 17, 2009:** Introduced in Senate
- **Nov 17, 2009:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.