

111TH CONGRESS
2^D SESSION

S. 3037

To increase oversight of private security contractors and establish the proper ratio of United States Government security personnel to private security contractors at United States missions where the Armed Forces are engaged in combat operations.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2010

Mrs. McCASKILL (for herself, Mr. FEINGOLD, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To increase oversight of private security contractors and establish the proper ratio of United States Government security personnel to private security contractors at United States missions where the Armed Forces are engaged in combat operations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhancing Oversight
5 and Security at United States Missions Act of 2010”.

1 **SEC. 2. INCREASED OVERSIGHT OF PRIVATE SECURITY**
2 **CONTRACTORS AT UNITED STATES MISSIONS**
3 **IN AREAS OF COMBAT OPERATIONS.**

4 (a) PLAN.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary
7 of State, in collaboration with the Secretary of De-
8 fense, shall submit to Congress a plan to increase
9 the oversight of private security contractors by
10 United States Government security personnel at
11 United States missions where the United States
12 Armed Forces are engaged in combat operations to
13 ensure that security functions are appropriately per-
14 formed.

15 (2) CONTENT.—

16 (A) OBJECTIVES.—The plan required
17 under paragraph (1) shall—

18 (i) determine an appropriate ratio of
19 United States Government security per-
20 sonnel to private security contractors at
21 United States missions where the United
22 States Armed Forces are engaged in com-
23 bat operations in a manner sufficient to—

24 (I) provide comprehensive over-
25 sight of the activities and performance

1 of private security contractors at such
2 missions; and

3 (II) ensure that all such missions
4 are safe and secure at all times; and

5 (ii) establish applicable practices to
6 ensure that an adequate number of United
7 States Government security personnel are
8 trained for, assigned to, and responsible
9 for overseeing private security contractor
10 personnel.

11 (B) IMPROVED OVERSIGHT REQUIRE-
12 MENT.—The ratio determined under subpara-
13 graph (A)(i) shall increase the oversight of pri-
14 vate security contractors by United States Gov-
15 ernment security personnel at United States
16 missions where the United States Armed Forces
17 are engaged in combat operations by—

18 (i) increasing the number of United
19 States Government security personnel re-
20 sponsible for oversight of private security
21 contractors; or

22 (ii) decreasing the number of private
23 security contractors performing security
24 functions at such missions.

1 (3) IMPLEMENTATION.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary of State shall implement the plan required
4 under paragraph (1).

5 (b) PERIODIC REVIEW OF PERFORMANCE FUNC-
6 TIONS.—

7 (1) IN GENERAL.—The Secretary of State shall,
8 in coordination with the heads of other appropriate
9 agencies, periodically review the performance of pri-
10 vate security functions at United States missions
11 where the United States Armed Forces are engaged
12 in combat operations to ensure that such functions
13 are authorized and performed in a manner con-
14 sistent with the requirements of this section.

15 (2) ANNUAL REPORTS.—Not later than June 1
16 of each of 2011, 2012, 2013, 2014, and 2015, the
17 Secretary shall submit to Congress a report on the
18 results of the most recent performance review of pri-
19 vate security functions at United States missions
20 conducted under paragraph (1). Each such report
21 shall include the following:

22 (A) The number and type of United States
23 Government security personnel assigned at each
24 such mission.

1 (B) The number and type of private secu-
2 rity contractor employees assigned at each such
3 mission.

4 (C) The ratio of United States Government
5 security personnel to private security contractor
6 employees at each such mission.

7 (D) The justification for the determination
8 by the Secretary of State, in coordination with
9 the Secretary of Defense, of the ratio of private
10 security contractors to United States Govern-
11 ment security personnel at each such mission.

12 (E) The justification for the determination
13 by the Secretary of State, in coordination with
14 the Secretary of Defense, for any increase or
15 decrease in the number of United States Gov-
16 ernment security personnel or private security
17 contractors at each such mission.

18 (F) The name of each private security con-
19 tractor, a description of the specific activities
20 being carried out by such contractor, and the
21 total value of all payments by the Department
22 of State to each contractor for such activities at
23 each such mission.

24 (G) An analysis of and justification for the
25 determination that each specific activity listed

1 in accordance with subparagraph (F) does not
2 constitute an inherently governmental function.

3 (H) A description of the training provided
4 to United States Government security personnel
5 performing oversight and management of pri-
6 vate security contractors for each such United
7 States mission.

8 (I) A description of the responsibilities for
9 United States Government security personnel at
10 such missions charged with oversight and man-
11 agement responsibilities of private security con-
12 tractors, and the justification for any deter-
13 mination of the need to provide such United
14 States Government security personnel with
15 other responsibilities in addition to oversight.

16 (J) A certification whether the regulations
17 prescribed pursuant to section 862 of the Na-
18 tional Defense Authorization Act for Fiscal
19 Year 2008 (Public Law 110–181; 10 U.S.C.
20 2302 note) with respect to private security con-
21 tractors at such missions have been complied
22 with.

23 (c) UNITED STATES GOVERNMENT SECURITY PER-
24 SONNEL DEFINED.—The term “United States Govern-
25 ment security personnel” means any employees of the

1 United States Government, including civilian employees
2 and members of the United States Armed Forces, who are
3 engaged in security or security oversight and management
4 functions at United States missions.

5 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed as authorizing the continued per-
7 formance of any functions currently performed by private
8 security contractors or to authorize the use of private se-
9 curity contractors for any inherently governmental func-
10 tion.

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