

113TH CONGRESS
1ST SESSION

H. R. 731

To amend the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to allow the Department of State to use a best-value contracting method in awarding local guard or protective service contracts in high risk areas abroad under the diplomatic security program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. RADEL (for himself, Ms. FRANKEL of Florida, Mr. WEBER of Texas, Mr. COTTON, and Mr. MESSER) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to allow the Department of State to use a best-value contracting method in awarding local guard or protective service contracts in high risk areas abroad under the diplomatic security program.

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 “Protecting Americans
5 Abroad Act”.

1 **SEC. 2. DIPLOMATIC SECURITY PROGRAM CONTRACTING.**

2 Section 136 of the Foreign Relations Authorization
3 Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is
4 amended—

5 (1) in subsection (c)—

6 (A) in the matter preceding paragraph (1),
7 by striking “With respect” and inserting “Ex-
8 cept as provided in subsection (d), with re-
9 spect”; and

10 (B) in paragraph (3), by striking “sub-
11 section (d)” and inserting “subsection (e)”;

12 (2) by redesignating subsections (d), (e), (f),
13 and (g) as subsections (e), (f), (g), and (h), respec-
14 tively;

15 (3) by inserting after subsection (c) the fol-
16 lowing new subsection:

17 “(d) AWARD OF LOCAL GUARD AND PROTECTIVE
18 SERVICE CONTRACTS IN HIGH RISK AREAS.—With re-
19 spect to any local guard contract for a Foreign Service
20 building located in a high risk area that is entered into
21 after the date of the enactment of this subsection, the Sec-
22 retary of State—

23 “(1) shall comply with paragraphs (1), (2), (4),
24 (5), and (6) of subsection (c) in the award of the
25 contract;

1 “(2) after evaluating proposals for the contract,
2 may award the contract to the firm representing the
3 best value to the Government in accordance with the
4 best value tradeoff process described in subpart 15.1
5 of the Federal Acquisition Regulation (48 C.F.R.
6 15.101–1); and

7 “(3) shall ensure that contractor personnel
8 under the contract providing local guard or protec-
9 tive services are classified—

10 “(A) as employees of the contractor;

11 “(B) if the contractor is a joint venture, as
12 employees of one of the persons or parties con-
13 stituting the joint venture; or

14 “(C) as employees of a subcontractor to
15 the contractor, and not as independent contrac-
16 tors to the contractor or any other entity per-
17 forming under such contracts.”; and

18 (4) in subsection (e), as redesignated by para-
19 graph (2) of this section—

20 (A) in paragraph (3), by striking “and” at
21 the end;

22 (B) in paragraph (4), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(5) the term ‘high risk area’ means an area
2 determined by the Assistant Secretary of Diplomatic
3 Security to present an increased threat of serious
4 damage or harm to United States diplomatic facili-
5 ties or personnel.”.

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