

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

“Stop Outsourcing Security Act.”

Section 2. Findings.

Finds that the United States Government is increasingly relying on private security contractors to perform mission critical and emergency essential functions. Finds that these private security contractors operate outside the military chain of command and have a history of irresponsible and even criminal behavior. Finds that high ranking military officials have expressed concern that these private security contractors are hampering our ability to achieve our goals in Iraq.

Section 3. Definitions.

Defines “mission critical or emergency essential functions” as “activities for which continued performance is considered essential to support combat systems and operational activities” or “activities whose delay, absence, or failure of performance would significantly affect the broader success or failure of a military operation.” Provides that these activities include “the provision of protective services, the provision of security advice and planning, military and police training, repair and maintenance for weapons systems, prison administration, interrogation, and intelligence.”

Defines the relevant congressional committees as the House Committee on Armed Services, the House Committee on Oversight and Government Reform, the House Committee on Appropriations, the House Committee on Foreign Affairs, the House Permanent Select Committee on Intelligence, the Senate Committee on Armed Services, the Senate Committee on Homeland Security and Government Affairs, the Senate Committee on Appropriations, the Senate Committee on Foreign Relations, and the Senate Select Committee on Intelligence.

Section 4. Requirement for government personnel to perform diplomatic security in Iraq and Afghanistan.

Requires that, within 180 days of enactment, all personnel providing security to U.S. diplomatic and consular missions in Iraq and Afghanistan are U.S. government employees, effectively banning the use of private security contractors for diplomatic security.

Section 5. Requirements relating to contractors performing mission critical or emergency essential functions in all conflict zones in which Congress has authorized the use of force.

Requires that the President report to the relevant congressional committees whether executive agencies will be able to transition away from the use of private security contractors that perform mission critical or emergency essential functions by January 1, 2011. If the President reports that it is not possible for a particular agency to make the transition by January 1, 2011, requires that the President report why it is not possible, a target date for the transition, and a plan for transition by the target date. Requires that the President make certain certifications regarding private security contractors that continue to perform mission critical and emergency essential after January 1, 2011.

Provides that the relevant congressional committees may review any government contracts with private security contractors to perform mission critical and emergency essential functions that exist after January 1, 2011. Provides that, with respect to any such contract, the relevant congressional committees may review the accounting practices of the private security contractor.

Provides that an agency agreement with a private security contractor to perform mission critical or emergency essential functions may only be renewed if the President certifies that the relevant agency does not have adequate personnel to perform the duties specified in the contract and that the contractor meets certain specifications

Section 6. Congressional access to contracts.

Provides that the relevant congressional committees may access copies and descriptions of all contracts and task order worth \$5 million or more for work to be performed in Iraq and Afghanistan, including contracts that were entered into between October 2001 and the date of enactment.

Provides that, within 60 days of enactment, the relevant agencies must report to the relevant congressional committees on the number of individuals working for contractors in Iraq and Afghanistan, the total cost of contracts, the total number of individuals killed or wounded while working on contracts, and a description of any disciplinary actions that have been taken against any individuals performing contracts.