108TH CONGRESS
2D SESSION

# S. 2094

To protect United States workers from competition of foreign workforces
for performance of Federal and State services contracts.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. DODD introduced the following bill; which was read twice and referred to
the Committee on Governmental Affairs

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# A BILL

To protect United States workers from competition of foreign
workforces for performance of Federal and State services
contracts.

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 "United States Workers

5 Protection Act of 2004".

6 **SEC. 2. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**

7          **CONTRACTS FOR THE PROCUREMENT OF**

8          **GOODS AND SERVICES.**

9    (a) LIMITATIONS.—

1     (1) IN GENERAL.—The Office of Federal Pro-

2 curement Policy Act (41 U.S.C. 403 et seq.) is

3 amended by adding at the end the following new sec-

4 tion:

5 **"SEC. 42. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**

6 **CONTRACTS FOR THE PROCUREMENT OF**

7 **GOODS AND SERVICES.**

8     "(a) CONVERSIONS TO CONTRACTOR PERFORMANCE

9 OF FEDERAL ACTIVITIES.—An activity or function of an

10 executive agency that is converted to contractor perform-

11 ance under Office of Management and Budget Circular

12 A–76 may not be performed by the contractor or any sub-

13 contractor at a location outside the United States except

14 to the extent that such activity or function was previously

15 performed by Federal Government employees outside the

16 United States.

17     "(b) FEDERAL CONTRACTS FOR THE PROCUREMENT

18 OF SERVICES.—(1) A contract for the procurement of

19 goods or services that is entered into by the head of an

20 executive agency may not be performed outside the United

21 States except to meet a requirement of the executive agen-

22 cy for goods or services specifically at a location outside

23 the United States.

24     "(2) The President may waive the prohibition in

25 paragraph (1) in the case of any contract for which the

1 President determines in writing that it is necessary in the
2 national security interests of the United States for goods
3 or services under the contract to be performed outside the
4 United States.

5 ''(3) Paragraph (1) does not apply to goods or serv-
6 ices performed outside the United States under the excep-
7 tion provided in subsection (a).

8 ''(c) STATE CONTRACTS FOR THE PROCUREMENT OF
9 SERVICES.—(1) Funds appropriated for financial assist-
10 ance for a State may not be disbursed to or for such State
11 during a fiscal year unless the chief executive of that State
12 has transmitted to the Administrator for Federal Procure-
13 ment Policy, not later than April 1 of the preceding fiscal
14 year, a written certification that none of such funds will
15 be expended for goods or services performed outside the
16 United States under contracts for the procurement of
17 goods or services entered into by such State.

18 ''(2) In this subsection, the term 'State' means each
19 of the several States of the United States, the District
20 of Columbia, the Commonwealth of Puerto Rico, the Com-
21 monwealth of the Northern Mariana Islands, the Virgin
22 Islands, Guam, American Samoa, and the Trust Territory
23 of the Pacific Islands.''.

1    (2) CLERICAL AMENDMENT.—The table of sec-

2    tions in section 1(b) of such Act is amended by add-

3    ing at the end the following new item:

"Sec. 42. Limitations on off-shore performance of contracts for the procurement of services.".

4    (b) INAPPLICABILITY TO STATES DURING FIRST

5 TWO FISCAL YEARS.—Section 42(c) of the Office of Fed-

6 eral Procurement Policy Act (as added by subsection (a))

7 shall not apply to disbursements of funds to a State dur-

8 ing the fiscal year in which this Act is enacted and the

9 next fiscal year.

10    (c) REPEAL OF SUPERSEDED LAW.—Section 647 of

11 the Transportation, Treasury, and Independent Agencies

12 Appropriations Act, 2004 (division F of Public Law 108–

13 199) is amended by striking subsection (e).

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