

112TH CONGRESS
2D SESSION

H. R. 4117

To prohibit the use of private security contractors and members of the Afghan Public Protection Force to provide security for members of the Armed Forces and military installations and facilities in Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2012

Mr. McKEON introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To prohibit the use of private security contractors and members of the Afghan Public Protection Force to provide security for members of the Armed Forces and military installations and facilities in Afghanistan, and for other purposes.

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

1 **SECTION 1. PROHIBITION ON USE OF PRIVATE SECURITY**
2 **CONTRACTORS AND MEMBERS OF THE AF-**
3 **GHAN PUBLIC PROTECTION FORCE TO PRO-**
4 **VIDE SECURITY FOR MEMBERS OF THE**
5 **ARMED FORCES AND MILITARY INSTALLA-**
6 **TIONS AND FACILITIES IN AFGHANISTAN.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) According to the Department of Defense, as
10 of February 1, 2012, there had been 42 insider at-
11 tacks on coalition forces since 2007 by the Afghan
12 National Army, Afghan National Police, or Afghan
13 nationals hired by private security contractors to
14 guard United States bases and facilities in Afghani-
15 stan.

16 (2) The Department of Defense data shows
17 that the trend of insider attacks is increasing.

18 (3) Members of the Armed Forces of the
19 United States continue to be garrisoned and housed
20 in facilities and installations in Afghanistan that are
21 guarded by private security contractors and not by
22 United States or coalition forces.

23 (4) President Karzai has prohibited the use of
24 private security contractors in Afghanistan and de-
25 termined that beginning in March, 2012, the Afghan
26 Ministry of Interior will provide Afghan Public Pro-

1 tection Forces on a reimbursable basis to those de-
2 siring to contract for additional security.

3 (5) The Afghan Ministry of Interior will have
4 the primary responsibility for screening and vetting
5 the Afghan nationals who will comprise the Afghan
6 Public Protection Force.

7 (6) The current force levels in Afghanistan are
8 necessary to accomplish the International Security
9 Assistance Force mission and force protection for
10 members of the Armed Forces garrisoned and
11 housed in Afghanistan should not come at the ex-
12 pense of mission success.

13 (7) The President of the United States has
14 begun to draw down United States military forces in
15 Afghanistan and has committed to continue this
16 drawdown through 2014.

17 (8) The redeployment phase of any military op-
18 eration brings increasing vulnerabilities to members
19 of the Armed Forces.

20 (9) It is the responsibility of the Commander in
21 Chief to provide for the security for members of the
22 Armed Forces deployed to Afghanistan and to miti-
23 gate internal threats to such forces to the greatest
24 extent possible, while continuing to meet the objec-
25 tives of the International Security Assistance Force

1 mission in Afghanistan, including the training and
2 equipping of the Afghan National Security Forces in
3 order that they may provide for their own security.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the best security and force protection for
7 members of the Armed Forces garrisoned and
8 housed in Afghanistan should be provided;

9 (2) better security and force protection for
10 members of the Armed Forces garrisoned and
11 housed in Afghanistan can be provided by United
12 States military personnel than private security con-
13 tractors or members of the Afghan Public Protection
14 Force;

15 (3) the President should take action in light of
16 the increased risk to members of the Armed Forces
17 during this transitional period in Afghanistan and
18 the increasing number of insider attacks; and

19 (4) the United States remains committed to
20 mission success in Afghanistan in light of the na-
21 tional security interests in the region and the sac-
22 rifice and commitment of the United States Armed
23 Forces over the last ten years.

24 (c) PROHIBITION.—Notwithstanding section 2465 of
25 title 10, United States Code, funds appropriated to the

1 Department of Defense may not be obligated or expended
2 for the purpose of—

3 (1) entering into a contract for the performance
4 of security-guard functions at a military installation
5 or facility in Afghanistan at which members of the
6 Armed Forces deployed to Afghanistan are garri-
7 soned or housed;

8 (2) otherwise employing private security con-
9 tractors to provide security for members of the
10 Armed Forces deployed to Afghanistan; or

11 (3) employing the Afghan Public Protection
12 Force to provide security for such members or to
13 perform such security-guard functions at such a
14 military installation or facility.

15 (d) REQUIREMENT.—

16 (1) IN GENERAL.—The President shall ensure
17 that as many appropriately trained members of the
18 Armed Forces of the United States as are necessary
19 are available to—

20 (A) perform security-guard functions at all
21 military installations and facilities in Afghani-
22 stan at which members of the Armed Forces
23 deployed to Afghanistan are garrisoned or
24 housed;

1 (B) provide security for members of the
2 Armed Forces deployed to Afghanistan; and

3 (C) provide adequate counterintelligence
4 support for such members.

5 (2) RELATIONSHIP TO OTHER REQUIREMENTS
6 AND LIMITATIONS.—The members of the Armed
7 Forces required to be made available under para-
8 graph (1) shall be in addition to—

9 (A) the number of such members who are
10 deployed to Afghanistan to support the require-
11 ments of the North Atlantic Treaty Organiza-
12 tion mission in Afghanistan and the military
13 campaign plan of the Commander of the Inter-
14 national Security and Assistance Force; and

15 (B) any limitation on force levels that may
16 be in effect.

17 (e) WAIVER.—The President may waive the prohibi-
18 tion under subsection (c) and the requirement under sub-
19 section (d) if the President submits to Congress certifi-
20 cation in writing that—

21 (1) the use of private security contractors or
22 the Afghan Public Protection Force can provide a
23 level of security and force protection for members of
24 the Armed Forces deployed to Afghanistan that is at
25 least equal to the security and force protection that

1 can be provided by members of the Armed Forces;
2 and

3 (2) the Secretary of Defense has ensured that
4 all employees of private security contractors and
5 members of the Afghan Public Protection Force pro-
6 viding security or force protection for members of
7 the Armed Forces deployed to Afghanistan are inde-
8 pendently screened and vetted by members of the
9 Armed Forces of the United States.

10 (f) DEFINITION.—In this section, the term “members
11 of the Armed Forces deployed to Afghanistan” means
12 members of the Armed Forces deployed to Afghanistan
13 in support of the International Security Assistance Force
14 in Afghanistan and members of the Armed Forces of the
15 United States deployed to Afghanistan in support of Oper-
16 ation Enduring Freedom.

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