

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.

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## 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

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## 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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