

AMENDMENT TO H.R. 5136, AS REPORTED**OFFERED BY MR. HINCHEY OF NEW YORK,***Ms. Schakowsky of Illinois, Mr. Moran of Virginia*

At the end of title VIII, add the following new sec-

tion:

1 **SEC. 839. REQUIREMENT FOR CONTRACTS IN IRAQ AND AF-**
2 **GHANISTAN TO USE EMPLOYEES AND NOT**
3 **INDEPENDENT CONTRACTORS FOR PRIVATE**
4 **SECURITY SERVICES.**

5 (a) **REQUIREMENT.**—Any contract in Iraq or Afghan-
6 istan for the procurement of private security services shall
7 contain a requirement that, in the case of any contractor
8 using individuals who are United States citizens and re-
9 quired to have a United States security clearance to per-
10 form private security services under the contract, the con-
11 tractor shall use employees and not independent contrac-
12 tors for the provision of such services.

13 (b) **CONTRACT IN IRAQ OR AFGHANISTAN.**—In this
14 section, the term “contract in Iraq or Afghanistan” means
15 a contract with the Department of Defense, the Depart-
16 ment of State, or the United States Agency for Inter-
17 national Development, a subcontract at any tier issued
18 under such a contract, or a task order or delivery order
19 at any tier issued under such a contract (including a con-

1 tract, subcontract, or task order or delivery order issued
2 by another Government agency for the Department of De-
3 fense, the Department of State, or the United States
4 Agency for International Development), if the contract,
5 subcontract, or task order or delivery order involves work
6 performed in Iraq or Afghanistan for a period longer than
7 14 days.

8 (c) PRIVATE SECURITY SERVICES.—In this section,
9 the term “private security services” means activities en-
10 gaged in by a contractor under a contract in Iraq or Af-
11 ghanistan and includes—

12 (1) guarding of personnel, facilities, or property
13 of a Federal agency, the contractor or subcontractor,
14 or a third party;

15 (2) any other activity for which personnel are
16 required to carry weapons in the performance of
17 their duties; and

18 (3) training in any activity covered by para-
19 graph (1) or (2).

20 (d) WAIVER AUTHORITY.—The Secretary of Defense,
21 the Secretary of State, or the Administrator of the United
22 States Agency for International Development may waive
23 the requirement in subsection (a) with respect to a con-
24 tract of the Department of Defense, the Department of
25 State, or the United States Agency for International De-

1 velopment, respectively, if the Secretary concerned or the

2 Administrator—

3 (1) determines in writing that a waiver is nec-
4 essary in the interests of national security; and

5 (2) submits to Congress a notification of such
6 waiver.

