

S 2139

Comprehensive Contingency Contracting Reform Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Feb 29, 2012

Current Status: Committee on Homeland Security and Governmental Affairs Subcommittee on Contracting Oversight. Hearings held. With printed Hearing: S.Hrg. 112-659. (Apr 17, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/2139>

Sponsor

Name: Sen. McCaskill, Claire [D-MO]

Party: Democratic • **State:** MO • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Webb, Jim [D-VA]	D · VA		Feb 29, 2012
Sen. Blumenthal, Richard [D-CT]	D · CT		Mar 1, 2012
Sen. Franken, Al [D-MN]	D · MN		Mar 1, 2012
Sen. Tester, Jon [D-MT]	D · MT		Mar 27, 2012
Sen. Sanders, Bernard [I-VT]	I · VT		Apr 19, 2012

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Hearings By (subcommittee)	Apr 17, 2012

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
112 S 2234	Related bill	Dec 19, 2012: Placed on Senate Legislative Calendar under General Orders. Calendar No. 571.
112 S 3286	Related bill	Jun 12, 2012: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
112 HR 4259	Related bill	May 7, 2012: Referred to the Subcommittee on Africa, Global Health, and Human Rights.

Comprehensive Contingency Contracting Reform Act of 2012 - Requires the President, in making any request for financing an overseas contingency operation (OCO), to include in such request a specific statement of the requested funds and a specific proposal to finance the amount requested. Designates the Director of the Office of Management and Budget (OMB) as the principal advisor to the President on financial matters in connection with OCOs.

Sets forth the responsibilities of specified Inspectors General for OCOs and requires the appointment of a designated lead Inspector General for any OCO that exceeds 30 days.

Expands the responsibilities of the Chief Acquisition Officers in federal agencies to include oversight of contracts and contracting activities for OCOs.

Includes contracts for support of OCOs in the management structure of the Department of Defense (DOD), Department of State, and the U.S. Agency for International Development (USAID).

Requires the designation of at least one suspension and debarment official for each federal agency. Expands the bases for the suspension of contractors from contracting with the federal government.

Requires the DOD Secretary to prescribe in regulations the chain of authority and responsibility for policy, planning, and execution of contract support for OCOs.

Requires the Chairman of the Joint Chiefs of Staff to provide quarterly assessments of the capability of OCOs to support current and anticipated wartime missions and to recommend resources required to improve and enhance support and planning for such operational contract support.

Requires the inclusion of matters relating to OCOs in joint professional military education.

Establishes: (1) within the Department of State the Office of Acquisition and Logistics to oversee acquisition, procurement, and logistics management activities in the Department of State; and (2) within USAID the Office of Acquisition and Assistance to direct, manage, and oversee USAID acquisition and procurement activities.

Requires the Secretary of State to: (1) conduct a quadrennial diplomacy and development review of U.S. diplomatic and overseas development strategy, with a view toward determining such U.S. strategy for the next 20 years; and (2) develop and administer a course for Department of State personnel on acquisition for Department of State support and participation in OCOs.

Limits periods for OCO contracts to three years for competitively bid contracts and one year for non-competitively bid contracts. Limits service contracts to a single tier of subcontractors.

Requires: (1) a review, risk analysis, and report on the performance of security functions of OCOs; (2) a justification and approval for sole-source OCO contracts; and (3) the General Services Administration (GSA) to establish and maintain a separate uniform contract writing system for all executive agencies, except for DOD, which shall establish and maintain its own system.

Requires the Administrator of Federal Procurement Policy to establish and maintain a database of prices of items and services charged the federal government under government contracts to assist federal acquisition officials in monitoring developments in such prices and conducting pricing or cost analyses.

Requires contractors and related entities to consent to personal jurisdiction for civil actions on overseas contracts valued at more than \$5 million.

Amends the federal criminal code to impose a fine and/or prison term of up to five years on any individual who knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States to work on a government contract performed on government facilities outside the United States by means of materially false or fraudulent pretenses, representations, or promises regarding such employment. Authorizes the termination of a contract if a contractor or subcontractor engages in severe forms of human trafficking.

Requires the DOD Secretary to certify to Congress that a country in which a capital project for an OCO (i.e., a project with an estimated cost in excess of \$1 million) is being carried out has the capability to maintain and utilize such project.

Actions Timeline

- **Apr 17, 2012:** Committee on Homeland Security and Governmental Affairs Subcommittee on Contracting Oversight. Hearings held. With printed Hearing: S.Hrg. 112-659.
- **Feb 29, 2012:** Introduced in Senate
- **Feb 29, 2012:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.