

S 3286

Comprehensive Contingency Contracting Reform Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jun 12, 2012

Current Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Latest Action: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Jun 12, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3286>

Sponsor

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

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

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Jun 12, 2012
Sen. Collins, Susan M. [R-ME]	R · ME		Jun 12, 2012
Sen. Franken, Al [D-MN]	D · MN		Jun 12, 2012
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Jun 12, 2012
Sen. Sanders, Bernard [I-VT]	I · VT		Jun 12, 2012
Sen. Webb, Jim [D-VA]	D · VA		Jun 12, 2012
Sen. Tester, Jon [D-MT]	D · MT		Jun 19, 2012
Sen. Manchin, Joe, III [D-WV]	D · WV		Jul 12, 2012

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jun 12, 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 HR 4259	Related bill	May 7, 2012: Referred to the Subcommittee on Africa, Global Health, and Human Rights.
112 S 2139	Related bill	Apr 17, 2012: Committee on Homeland Security and Governmental Affairs Subcommittee on Contracting Oversight. Hearings held. With printed Hearing: S.Hrg. 112-659.

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. Establishes a standing committee, chaired by the lead Inspector General, to improve oversight of OCOs.

Expands the responsibilities of 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), the 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 Secretary of DOD 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 annual 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.

Establishes: (1) within the Department of State the Office of Acquisition and Logistics to oversee DOD acquisition, procurement, and logistics management activities; 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.

Requires agency heads to perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions of an OCO.

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.

End Trafficking in Government Contracting Act of 2012 - Amends the Trafficking Victims Protection Act of 2000 to expand the authority of a federal agency to terminate a grant, contract, or cooperative agreement involving grantees or contractors who engage in severe forms of trafficking in persons to include grantees or contractors who: (1) engage in acts that directly support or advance trafficking in persons, (2) destroy an employee's immigration documents or fail to repatriate such employee upon the end of employment, (3) solicit persons for employment under false pretenses, (4) charge recruited employees exorbitant placement fees, or (5) provide inhumane living conditions.

Prohibits the head of an executive agency from entering into a grant, contract, or cooperative agreement valued at \$1 million or more if performance will predominantly be conducted overseas unless a representative of the recipient of such grant, contract, or cooperative agreement certifies that the recipient has implemented a plan and procedures to prevent trafficking in persons.

Requires a contracting or grant officer of an executive agency who receives credible evidence that a recipient of a grant, contract, or cooperative agreement has engaged in trafficking in persons or other prohibited activities to request the agency's Inspector General to investigate allegations of trafficking and to take remedial actions, including the suspension of payments under the grant, contract, or cooperative agreement.

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.

Requires the Secretaries of DOD and State and the Administrator of USAID to complete an assessment on the necessity and sustainability of a capital project for an OCO in a host country before appropriated amounts for such project may be obligated. Allows the termination of capital projects in progress that become unsustainable.

Actions Timeline

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