

S 2094 IS

108th CONGRESS
2d Session
S. 2094

To protect United States workers from competition of foreign workforces for performance of Federal and State services contracts.

IN THE SENATE OF THE UNITED STATES

February 12, 2004

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To protect United States workers from competition of foreign workforces for performance of Federal and State services contracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `United States Workers Protection Act of 2004'.

SEC. 2. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) LIMITATIONS-

(1) IN GENERAL- The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

`SEC. 42. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

`(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF FEDERAL ACTIVITIES- An activity or function of an executive agency that is converted to contractor performance under Office of Management and Budget Circular A-76 may not be performed by the contractor or any subcontractor at a location outside the United States except to the extent that such activity or function was previously performed by Federal Government employees outside the United States.

`(b) FEDERAL CONTRACTS FOR THE PROCUREMENT OF SERVICES- (1)

A contract for the procurement of goods or services that is entered into by the head of an executive agency may not be performed outside the United States except to meet a requirement of the executive agency for goods or services specifically at a location outside the United States.

`(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

`(3) Paragraph (1) does not apply to goods or services performed outside the United States under the exception provided in subsection (a).

`(c) STATE CONTRACTS FOR THE PROCUREMENT OF SERVICES- (1)

Funds appropriated for financial assistance for a State may not be disbursed to or for such State during a fiscal year unless the chief executive of that State has transmitted to the Administrator for Federal Procurement Policy, not later than April 1 of the preceding fiscal year, a written certification that none of such funds will be expended for goods or services performed outside the United States under contracts for the procurement of goods or services entered into by such State.

`(2) In this subsection, the term `State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.'

(2) CLERICAL AMENDMENT- The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

`Sec. 42. Limitations on off-shore performance of contracts for the procurement of services.'

(b) INAPPLICABILITY TO STATES DURING FIRST TWO FISCAL YEARS-

Section 42(c) of the Office of Federal Procurement Policy Act (as added by subsection (a)) shall not apply to disbursements of funds to a State during the fiscal year in which this Act is enacted and the next fiscal year.

(c) REPEAL OF SUPERSEDED LAW- Section 647 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended by striking subsection (e).

END