

118TH CONGRESS
2D SESSION

H. R. 4467

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2024

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS Border Services
3 Contracts Review Act”.

4 **SEC. 2. ASSESSMENT OF CONTRACTS FOR COVERED SERV-**
5 **ICES BY THE DEPARTMENT OF HOMELAND**
6 **SECURITY.**

7 (a) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the
10 Under Secretary for Management of the Department
11 of Homeland Security, in consultation with appro-
12 priate officials of the Department, shall submit to
13 the appropriate congressional committees a report
14 regarding active contracts for covered services of the
15 Department awarded on or before—

16 (A) September 30, 2023, or

17 (B) the date of the enactment of this Act,
18 whichever occurs later.

19 (2) ELEMENTS.—The report required under
20 paragraph (1) shall include the following:

21 (A) The criteria used by the Department
22 of Homeland Security to determine whether
23 contractor personnel were necessary to assist
24 the Department in carrying out its mission
25 along the United States land border with Mex-
26 ico.

1 (B) An analysis of the purpose, quantity,
2 and location of contractor personnel to perform
3 covered services of the Department with respect
4 to effectively—

5 (i) addressing mission needs along
6 such border; and

7 (ii) enhancing the capability of De-
8 partment personnel to perform primary
9 mission responsibilities, including the num-
10 ber of Department personnel not removed
11 from their primary mission responsibilities
12 by reason of the performance of covered
13 services by contractor personnel.

14 (C) An assessment with respect to the ben-
15 efits of contractor personnel performing covered
16 services, including whether the performance of
17 such services by contractor personnel is more
18 efficient or effective than the performance of
19 such services by Department employees.

20 (D) An assessment of opportunities to in-
21 crease the efficiency of the Department with re-
22 spect to contracting, including whether Depart-
23 ment-wide contract vehicles for covered services
24 would be the most cost effective option for the
25 performance of covered services.

1 (E) A strategy to improve the procurement
2 and delivery of covered services through con-
3 tracts during the five-year period beginning on
4 the date of the enactment of this Act to—

5 (i) achieve the best value for the De-
6 partment through the use of full and open
7 competition; and

8 (ii) ensure no lapse in the perform-
9 ance of such services.

10 (F) Recommendations based on findings
11 resulting from the analysis and assessments re-
12 quired in subparagraphs (B) through (D).

13 (G) Any other information relating to con-
14 tracts for covered services that the Under Sec-
15 retary for Management determines appropriate.

16 (b) IMPLEMENTATION PLAN.—

17 (1) IN GENERAL.—The Under Secretary for
18 Management shall submit with the report required
19 under subsection (a) a plan to implement the rec-
20 ommendations and strategy contained in such report
21 to enhance coordination, minimize overlap, and in-
22 crease cost effectiveness among contracts for covered
23 services.

24 (2) BRIEFING.—Not later than 180 days after
25 the date on which the Under Secretary for Manage-

1 ment submits the report required under subsection
2 (a) and the plan required under paragraph (1) and
3 every 180 days thereafter until such plan is fully im-
4 plemented, the Under Secretary, or the designee of
5 the Under Secretary, shall provide to the appro-
6 priate congressional committees a briefing with re-
7 spect to the status of such implementation.

8 (c) PROHIBITION ON FUNDING.—No funds are au-
9 thorized to be appropriated to carry out this section. This
10 section shall be carried out using amounts otherwise au-
11 thorized to be made available for such purposes.

12 (d) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Homeland Security
17 of the House of Representatives; and

18 (B) the Committee on Homeland Security
19 and Governmental Affairs of the Senate.

20 (2) CONTRACT FOR COVERED SERVICES.—The
21 term “contract for covered services” means a con-
22 tract (with a total contract value of \$50,000,000 or
23 more in 2023 constant dollars, inclusive of contract
24 options) relating to the procurement of covered serv-
25 ices for the Department of Homeland Security.

1 (3) COVERED SERVICES.—The term “covered
2 services” means, with respect to the United States
3 land border with Mexico, any service, including re-
4 lated to border security, provided by a contractor to
5 be used by the Department.

Passed the House of Representatives March 5,
2024.

Attest:

KEVIN F. MCCUMBER,

Clerk.