

117TH CONGRESS
1ST SESSION

H. R. 4363

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

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

AN ACT

To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, 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 Contract Report-
3 ing Act of 2021”.

4 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**
5 **AWARDS.**

6 (a) DAILY REPORT.—

7 (1) IN GENERAL.—The Secretary shall post,
8 maintain, and update in accordance with paragraph
9 (2), on a publicly available website of the Depart-
10 ment, a daily report of all covered contract awards.
11 Each reported covered contract award shall include
12 information relating to—

13 (A) the contract number, modification
14 number, or delivery order number;

15 (B) the contract type;

16 (C) the amount obligated for such award;

17 (D) the total contract value for such
18 award, including all options;

19 (E) the description of the purpose for such
20 award;

21 (F) the number of proposals or bids re-
22 ceived;

23 (G) the name and address of the vendor,
24 and whether such vendor is considered a small
25 business;

1 (H) the period and each place of perform-
2 ance for such award;

3 (I) whether such award is multiyear;

4 (J) whether such award requires a small
5 business subcontracting plan; and

6 (K) the contracting office and the point of
7 contact for such office.

8 (2) UPDATE.—Updates referred to in para-
9 graph (1) shall occur not later than two business
10 days after the date on which the covered contract is
11 authorized or modified.

12 (3) SUBSCRIBING TO ALERTS.—The website re-
13 ferred to in paragraph (1) shall provide the option
14 to subscribe to an automatic notification of the pub-
15 lication of each report required under such para-
16 graph.

17 (4) EFFECTIVE DATE.—Paragraph (1) shall
18 take effect on the date that is 180 days after the
19 date of the enactment of this section.

20 (b) UNDEFINITIZED CONTRACT ACTION OR DEFINI-
21 TIZED AMOUNT.—If a covered contract award reported
22 pursuant to subsection (a) includes an undefinitized con-
23 tract action, the Secretary shall—

1 (1) report the estimated total contract value for
2 such award and the amount obligated upon award;
3 and

4 (2) once such award is definitized, update the
5 total contract value and amount obligated.

6 (c) EXEMPTION.—Each report required under sub-
7 section (a) shall not include covered contract awards relat-
8 ing to classified products, programs, or services.

9 (d) DEFINITIONS.—In this section:

10 (1) COVERED CONTRACT AWARD.—The term
11 “covered contract award”—

12 (A) means a contract action of the Depart-
13 ment with the total authorized dollar amount of
14 \$4,000,000 or greater, including unexercised
15 options; and

16 (B) includes—

17 (i) contract awards governed by the
18 Federal Acquisition Regulation;

19 (ii) modifications to a contract award
20 that increase the total value, expand the
21 scope of work, or extend the period of per-
22 formance;

23 (iii) orders placed on a multiple award
24 or multiple-agency contract that includes

1 delivery or quantity terms that are indefi-
2 nite;

3 (iv) other transaction authority agree-
4 ments; and

5 (v) contract awards made with other
6 than full and open competition.

7 (2) DEFINITIZED AMOUNT.—The term “defini-
8 tized amount” means the final amount of a covered
9 contract award after agreement between the Depart-
10 ment and the contractor at issue.

11 (3) DEPARTMENT.—The term “Department”
12 means the Department of Homeland Security.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Homeland Security.

15 (5) SMALL BUSINESS.—The term “small busi-
16 ness” means an entity that qualifies as a small busi-
17 ness concern, as such term is described under sec-
18 tion 3 of the Small Business Act (15 U.S.C. 632).

19 (6) TOTAL CONTRACT VALUE.—The term “total
20 contract value” means the total amount of funds ex-
21 pected to be provided to the contractor at issue
22 under the terms of the contract through the full pe-
23 riod of performance.

24 (7) UNDEFINITIZED CONTRACT ACTION.—The
25 term “undefinitized contract action” means any con-

