

## Union Calendar No. 86

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4363

[Report No. 117-121]

To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2021

Mrs. HARSHBARGER (for herself and Mrs. LURIA) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER 14, 2021

Additional sponsors: Mr. KATKO and Ms. SLOTKIN

SEPTEMBER 14, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 6, 2021]

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “DHS Contract Report-*  
5 *ing Act of 2021”.*

6 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**  
7 **AWARDS.**

8        *(a) DAILY REPORT.—*

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

15            *(A) the contract number, modification num-*  
16 *ber, or delivery order number;*

17            *(B) the contract type;*

18            *(C) the amount obligated for such award;*

19            *(D) the total contract value for such award,*  
20 *including all options;*

21            *(E) the description of the purpose for such*  
22 *award;*

23            *(F) the number of proposals or bids re-*  
24 *ceived;*

1           (G) the name and address of the vendor,  
2           and whether such vendor is considered a small  
3           business;

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

6           (I) whether such award is multiyear;

7           (J) whether such award requires a small  
8           business subcontracting plan; and

9           (K) the contracting office and the point of  
10          contact for such office.

11          (2) *UPDATE.*—Updates referred to in paragraph  
12          (1) shall occur not later than two business days after  
13          the date on which the covered contract is authorized  
14          or modified.

15          (3) *SUBSCRIBING TO ALERTS.*—The website re-  
16          ferred to in paragraph (1) shall provide the option to  
17          subscribe to an automatic notification of the publica-  
18          tion of each report required under such paragraph.

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

22          (b) *UNDEFINITIZED CONTRACT ACTION OR DEFINI-*  
23          *TIZED AMOUNT.*—If a covered contract award reported pur-  
24          suant to subsection (a) includes an undefinitized contract  
25          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 op-*  
15 *tions; 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 section*  
18                  *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 under*  
22                  *the terms of the contract through the full period of*  
23                  *performance.*

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

- 1 *tract action for which the contract terms, specifica-*
- 2 *tions, or price is not established prior to the start of*
- 3 *the performance of a covered contract award.*

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