

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4467  
OFFERED BY MR. BRECHEEN OF OKLAHOMA**

Strike all after the enacting clause and insert the following:

**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.

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

3           (A) The criteria used by the Department  
4 of Homeland Security to determine whether  
5 contractor personnel were necessary to assist  
6 the Department in carrying out its mission  
7 along the United States land border with Mex-  
8 ico.

9           (B) An analysis of the purpose, quantity,  
10 and location of contractor personnel to perform  
11 covered services of the Department with respect  
12 to effectively—

13           (i) addressing mission needs along  
14 such border; and

15           (ii) enhancing the capability of De-  
16 partment personnel to perform primary  
17 mission responsibilities, including the num-  
18 ber of Department personnel not removed  
19 from their primary mission responsibilities  
20 by reason of the performance of covered  
21 services by contractor personnel.

22           (C) An assessment with respect to the ben-  
23 efits of contractor personnel performing covered  
24 services, including whether the performance of  
25 such services by contractor personnel is more

1 efficient or effective than the performance of  
2 such services by Department employees.

3 (D) An assessment of opportunities to in-  
4 crease the efficiency of the Department with re-  
5 spect to contracting, including whether Depart-  
6 ment-wide contract vehicles for covered services  
7 would be the most cost effective option for the  
8 performance of covered services.

9 (E) A strategy to improve the procurement  
10 and delivery of covered services through con-  
11 tracts during the five-year period beginning on  
12 the date of the enactment of this Act to—

13 (i) achieve the best value for the De-  
14 partment through the use of full and open  
15 competition; and

16 (ii) ensure no lapse in the perform-  
17 ance of such services.

18 (F) Recommendations based on findings  
19 resulting from the analysis and assessments re-  
20 quired in subparagraphs (B) through (D).

21 (G) Any other information relating to con-  
22 tracts for covered services that the Under Sec-  
23 retary for Management determines appropriate.

24 (b) IMPLEMENTATION PLAN.—

1           (1) IN GENERAL.—The Under Secretary for  
2           Management shall submit with the report required  
3           under subsection (a) a plan to implement the rec-  
4           ommendations and strategy contained in such report  
5           to enhance coordination, minimize overlap, and in-  
6           crease cost effectiveness among contracts for covered  
7           services.

8           (2) BRIEFING.—Not later than 180 days after  
9           the date on which the Under Secretary for Manage-  
10          ment submits the report required under subsection  
11          (a) and the plan required under paragraph (1) and  
12          every 180 days thereafter until such plan is fully im-  
13          plemented, the Under Secretary, or the designee of  
14          the Under Secretary, shall provide to the appro-  
15          priate congressional committees a briefing with re-  
16          spect to the status of such implementation.

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

21          (d) DEFINITIONS.—In this section:

22                (1) APPROPRIATE CONGRESSIONAL COMMIT-  
23                TEES.—The term “appropriate congressional com-  
24                mittees” means—

1 (A) the Committee on Homeland Security  
2 of the House of Representatives; and

3 (B) the Committee on Homeland Security  
4 and Governmental Affairs of the Senate.

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

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

