

# Union Calendar No. 190

118TH CONGRESS  
1ST SESSION

# H. R. 4467

**[Report No. 118-238]**

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.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2023

Mr. BRECHEEN (for himself and Mr. GREEN of Tennessee) introduced the following bill; which was referred to the Committee on Homeland Security

OCTOBER 2, 2023

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, 2023]

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DHS Border Services*  
5 *Contracts Review Act”.*

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

9 *(a) REPORT.—*

10 *(1) IN GENERAL.—Not later than 180 days after*  
11 *the date of the enactment of this Act, the Under Sec-*  
12 *retary for Management of the Department of Home-*  
13 *land Security, in consultation with appropriate offi-*  
14 *cial of the Department, shall submit to the appro-*  
15 *priate congressional committees a report regarding*  
16 *active contracts for covered services of the Department*  
17 *awarded on or before—*

18 *(A) September 30, 2023, or*

19 *(B) the date of the enactment of this Act,*  
20 *whichever occurs later.*

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

23 *(A) The criteria used by the Department of*  
24 *Homeland Security to determine whether con-*  
25 *tractor personnel were necessary to assist the De-*

1            *partment in carrying out its mission along the*  
2            *United States land border with Mexico.*

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

7                    *(i) addressing mission needs along*  
8                    *such border; and*

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

16            *(C) An assessment with respect to the bene-*  
17            *fits of contractor personnel performing covered*  
18            *services, including whether the performance of*  
19            *such services by contractor personnel is more ef-*  
20            *ficient or effective than the performance of such*  
21            *services by Department employees.*

22            *(D) An assessment of opportunities to in-*  
23            *crease the efficiency of the Department with re-*  
24            *spect to contracting, including whether Depart-*  
25            *ment-wide contract vehicles for covered services*

1           *would be the most cost effective option for the*  
2           *performance of covered services.*

3           *(E) A strategy to improve the procurement*  
4           *and delivery of covered services through contracts*  
5           *during the five-year period beginning on the date*  
6           *of the enactment of this Act to—*

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

10                    *(ii) ensure no lapse in the performance*  
11                    *of such services.*

12           *(F) Recommendations based on findings re-*  
13           *sulting from the analysis and assessments re-*  
14           *quired in subparagraphs (B) through (D).*

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

18           ***(b) IMPLEMENTATION PLAN.—***

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

1           (2) *BRIEFING.*—Not later than 180 days after  
2           the date on which the Under Secretary for Manage-  
3           ment submits the report required under subsection (a)  
4           and the plan required under paragraph (1) and every  
5           180 days thereafter until such plan is fully imple-  
6           mented, the Under Secretary, or the designee of the  
7           Under Secretary, shall provide to the appropriate  
8           congressional committees a briefing with respect to  
9           the status of such implementation.

10          (c) *PROHIBITION ON FUNDING.*—No funds are author-  
11          ized to be appropriated to carry out this section. This sec-  
12          tion shall be carried out using amounts otherwise author-  
13          ized to be made available for such purposes.

14          (d) *DEFINITIONS.*—In this section:

15                 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
16                 *TEES.*—The term “appropriate congressional commit-  
17                 *tees” means—*

18                         (A) *the Committee on Homeland Security of*  
19                         *the House of Representatives; and*

20                         (B) *the Committee on Homeland Security*  
21                         *and Governmental Affairs of the Senate.*

22                 (2) *CONTRACT FOR COVERED SERVICES.*—The  
23                 term “contract for covered services” means a contract  
24                 (with a total contract value of \$50,000,000 or more  
25                 in 2023 constant dollars, inclusive of contract op-

1        *tions) relating to the procurement of covered services*  
2        *for the Department of Homeland Security.*

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

Union Calendar No. 190

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 4467**

[Report No. 118-238]

---

---

## **A BILL**

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.

---

---

OCTOBER 2, 2023

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