

Union Calendar No. 167

117TH CONGRESS
2^D SESSION

H. R. 5683

[Report No. 117-232]

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 borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

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

JANUARY 21, 2022

Reported with amendments, 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 October 22, 2021]

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 borders of the United States, 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 “Department of Home-*
5 *land Security Border Support Services Contracts Review*
6 *Act”.*

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

10 *(a) REPORT.—*

11 *(1) IN GENERAL.—Not later than 180 days after*
12 *the date of the enactment of this Act, the Under Sec-*
13 *retary for Management of the Department of Home-*
14 *land Security, in consultation with appropriate offi-*
15 *cials of the Department, shall submit to the appro-*
16 *priate congressional committees a report on active*
17 *contracts for covered services of the Department*
18 *awarded on or before September 30, 2021.*

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

21 *(A) The criteria used by the Department to*
22 *determine whether contractor personnel were nec-*
23 *essary to assist the Department in carrying out*
24 *its mission along the United States land border*
25 *with Mexico.*

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 bene-*
15 *fits of contractor personnel performing covered*
16 *services, including whether the performance of*
17 *such services by contractor personnel is more ef-*
18 *ficient or effective than the performance of such*
19 *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 contracts*
3 *during the five-year period beginning on the date*
4 *of the enactment of this Act to achieve the best*
5 *value for the Department through the use of full*
6 *and open competition and to ensure no lapse in*
7 *the performance of such services.*

8 (F) *Recommendations based on findings re-*
9 *sulting from the analysis and assessments re-*
10 *quired in subparagraphs (B) through (D).*

11 (G) *Any other information relating to con-*
12 *tracts for covered services that the Under Sec-*
13 *retary determines to be appropriate.*

14 (b) *IMPLEMENTATION PLAN.—*

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

22 (2) *BRIEFING.—Not later than 180 days after*
23 *the date on which the Under Secretary for Manage-*
24 *ment submits the report required under paragraph*
25 *(1) of subsection (a) and the plan required under*

1 *paragraph (1) and every 180 days thereafter until the*
 2 *plan is fully implemented, the Under Secretary, or*
 3 *the designee of the Under Secretary, shall provide a*
 4 *briefing to the appropriate congressional committees*
 5 *with respect to the status of such implementation.*

6 *(c) DEFINITIONS.—In this section:*

7 *(1) The term “appropriate congressional com-*
 8 *mittees” means—*

9 *(A) the Committee on Homeland Security of*
 10 *the House of Representatives; and*

11 *(B) the Committee on Homeland Security*
 12 *and Governmental Affairs of the Senate.*

13 *(2) The term “contract for covered services”*
 14 *means a contract (with a total contract value of*
 15 *\$50,000,000 or more, inclusive of contract options) re-*
 16 *lating to the procurement of covered services for the*
 17 *Department of Homeland Security.*

18 *(3) The term “covered services” means, with re-*
 19 *spect to the United States land border with Mexico,*
 20 *any service, including related to border security, pro-*
 21 *vided by a contractor to be used by the Department.*

Amend the title so as to read: “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.”.

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