

118TH CONGRESS
2D SESSION

S. 4707

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 SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. CORNYN (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

1 **SEC. 2. ASSESSMENT OF CONTRACTS FOR COVERED SERV-**
2 **ICES BY THE DEPARTMENT OF HOMELAND**
3 **SECURITY.**

4 (a) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the
7 Under Secretary for Management of the Department
8 of Homeland Security, in consultation with appro-
9 priate officials of the Department, shall submit to
10 the appropriate congressional committees a report
11 regarding active contracts for covered services of the
12 Department awarded on or before—

13 (A) September 30, 2023, or

14 (B) the date of the enactment of this Act,
15 whichever occurs later.

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

18 (A) The criteria used by the Department
19 of Homeland Security to determine whether
20 contractor personnel were necessary to assist
21 the Department in carrying out its mission
22 along the United States land border with Mex-
23 ico.

24 (B) An analysis of the purpose, quantity,
25 and location of contractor personnel to perform

covered services of the Department with respect
to effectively—

(i) addressing mission needs along
such border; and

(ii) enhancing the capability of Department personnel to perform primary mission responsibilities, including the number of Department personnel not removed from their primary mission responsibilities by reason of the performance of covered services by contractor personnel.

(C) An assessment with respect to the benefits of contractor personnel performing covered services, including whether the performance of such services by contractor personnel is more efficient or effective than the performance of such services by Department employees.

(D) An assessment of opportunities to increase the efficiency of the Department with respect to contracting, including whether Department-wide contract vehicles for covered services would be the most cost effective option for the performance of covered services.

(E) A strategy to improve the procurement and delivery of covered services through con-

tracts during the five-year period beginning on
the date of the enactment of this Act to—

(i) achieve the best value for the Department through the use of full and open competition; and

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

(F) Recommendations based on findings resulting from the analysis and assessments required in subparagraphs (B) through (D).

(G) Any other information relating to contracts for covered services that the Under Secretary for Management determines appropriate.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Under Secretary for Management shall submit with the report required under subsection (a) a plan to implement the recommendations and strategy contained in such report to enhance coordination, minimize overlap, and increase cost effectiveness among contracts for covered services.

(2) BRIEFING.—Not later than 180 days after the date on which the Under Secretary for Management submits the report required under subsection (a) and the plan required under paragraph (1) and

1 every 180 days thereafter until such plan is fully im-
2 plemented, the Under Secretary, or the designee of
3 the Under Secretary, shall provide to the appro-
4 priate congressional committees a briefing with re-
5 spect to the status of such implementation.

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

10 (d) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Homeland Security
15 of the House of Representatives; and

16 (B) the Committee on Homeland Security
17 and Governmental Affairs of the Senate.

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

24 (3) COVERED SERVICES.—The term “covered
25 services” means, with respect to the United States

- 1 land border with Mexico, any service, including re-
- 2 lated to border security, provided by a contractor to
- 3 be used by the Department.

