

Calendar No. 402

117TH CONGRESS
2D SESSION**H. R. 4363****[Report No. 117–120]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

Received, read twice and referred to the Committee on Homeland Security and
Governmental Affairs

JUNE 9, 2022

Reported by Mr. PETERS, with an amendment

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

AN ACT

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”.

1 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**
2 **AWARDS.**

3 ~~(a) DAILY REPORT.—~~

4 ~~(1) IN GENERAL.—~~The Secretary shall post,
5 maintain, and update in accordance with paragraph
6 ~~(2)~~, on a publicly available website of the Depart-
7 ment, a daily report of all covered contract awards.
8 Each reported covered contract award shall include
9 information relating to—

10 ~~(A) the contract number, modification~~
11 ~~number, or delivery order number;~~

12 ~~(B) the contract type;~~

13 ~~(C) the amount obligated for such award;~~

14 ~~(D) the total contract value for such~~
15 ~~award, including all options;~~

16 ~~(E) the description of the purpose for such~~
17 ~~award;~~

18 ~~(F) the number of proposals or bids re-~~
19 ~~ceived;~~

20 ~~(G) the name and address of the vendor,~~
21 ~~and whether such vendor is considered a small~~
22 ~~business;~~

23 ~~(H) the period and each place of perform-~~
24 ~~ance for such award;~~

25 ~~(I) whether such award is multiyear;~~

1 ~~(J)~~ whether such award requires a small
2 business subcontracting plan; and

3 ~~(K)~~ the contracting office and the point of
4 contact for such office.

5 ~~(2)~~ UPDATE.—Updates referred to in para-
6 graph ~~(1)~~ shall occur not later than two business
7 days after the date on which the covered contract is
8 authorized or modified.

9 ~~(3)~~ SUBSCRIBING TO ALERTS.—The website re-
10 ferred to in paragraph ~~(1)~~ shall provide the option
11 to subscribe to an automatic notification of the pub-
12 lication of each report required under such para-
13 graph.

14 ~~(4)~~ EFFECTIVE DATE.—Paragraph ~~(1)~~ shall
15 take effect on the date that is 180 days after the
16 date of the enactment of this section.

17 ~~(b)~~ UNDEFINITIZED CONTRACT ACTION OR DEFINI-
18 TIZED AMOUNT.—If a covered contract award reported
19 pursuant to subsection ~~(a)~~ includes an undefinitized con-
20 tract action, the Secretary shall—

21 ~~(1)~~ report the estimated total contract value for
22 such award and the amount obligated upon award;
23 and

24 ~~(2)~~ once such award is definitized, update the
25 total contract value and amount obligated.

1 ~~(e) EXEMPTION.—Each report required under sub-~~
2 ~~section (a) shall not include covered contract awards relat-~~
3 ~~ing to classified products, programs, or services.~~

4 ~~(d) DEFINITIONS.—In this section:~~

5 ~~(1) COVERED CONTRACT AWARD.—The term~~
6 ~~“covered contract award”—~~

7 ~~(A) means a contract action of the Depart-~~
8 ~~ment with the total authorized dollar amount of~~
9 ~~\$4,000,000 or greater, including unexercised~~
10 ~~options; and~~

11 ~~(B) includes—~~

12 ~~(i) contract awards governed by the~~
13 ~~Federal Acquisition Regulation;~~

14 ~~(ii) modifications to a contract award~~
15 ~~that increase the total value, expand the~~
16 ~~scope of work, or extend the period of per-~~
17 ~~formance;~~

18 ~~(iii) orders placed on a multiple award~~
19 ~~or multiple-agency contract that includes~~
20 ~~delivery or quantity terms that are indefi-~~
21 ~~nite;~~

22 ~~(iv) other transaction authority agree-~~
23 ~~ments; and~~

24 ~~(v) contract awards made with other~~
25 ~~than full and open competition.~~

1 ~~(2) DEFINITIZED AMOUNT.~~—The term “defini-
 2 tized amount” means the final amount of a covered
 3 contract award after agreement between the Depart-
 4 ment and the contractor at issue.

5 ~~(3) DEPARTMENT.~~—The term “Department”
 6 means the Department of Homeland Security.

7 ~~(4) SECRETARY.~~—The term “Secretary” means
 8 the Secretary of Homeland Security.

9 ~~(5) SMALL BUSINESS.~~—The term “small busi-
 10 ness” means an entity that qualifies as a small busi-
 11 ness concern, as such term is described under sec-
 12 tion 3 of the Small Business Act (15 U.S.C. 632).

13 ~~(6) TOTAL CONTRACT VALUE.~~—The term “total
 14 contract value” means the total amount of funds ex-
 15 pected to be provided to the contractor at issue
 16 under the terms of the contract through the full pe-
 17 riod of performance.

18 ~~(7) UNDEFINITIZED CONTRACT ACTION.~~—The
 19 term “undefinitized contract action” means any con-
 20 tract action for which the contract terms, specifica-
 21 tions, or price is not established prior to the start
 22 of the performance of a covered contract award.

23 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DAILY PUBLIC REPORT OF COVERED CONTRACT**
2 **AWARDS.**

3 (a) *DAILY CONTRACT REPORTING REQUIREMENTS.—*

4 (1) *REPORT.—*

5 (A) *IN GENERAL.—The Secretary shall post,*
6 *maintain, and update in accordance with para-*
7 *graph (2), on a publicly available website of the*
8 *Department, a daily report of all covered con-*
9 *tract awards.*

10 (B) *CONTENTS.—Each report under this*
11 *paragraph shall include, for each covered con-*
12 *tract award, information relating to—*

13 (i) *the contract number, modification*
14 *number, or delivery order number;*

15 (ii) *the contract type;*

16 (iii) *the amount obligated for the*
17 *award;*

18 (iv) *the total contract value for the*
19 *award, including all options;*

20 (v) *the description of the purpose for*
21 *the award;*

22 (vi) *the number of proposals or bids re-*
23 *ceived;*

24 (vii) *the name and address of the ven-*
25 *dor, and whether the vendor is a small busi-*
26 *ness;*

1 (viii) the period and primary place of
2 performance for the award;

3 (ix) whether the award is multiyear;
4 and

5 (x) the contracting office.

6 (2) *UPDATE.*—The Secretary shall make updates
7 referred to in paragraph (1) not later than 5 business
8 days after the date on which a covered contract is au-
9 thorized or modified.

10 (3) *EFFECTIVE DATE.*—Paragraph (1) shall take
11 effect on the date that is 180 days after the date of
12 enactment of this Act.

13 (b) *UNDEFINITIZED CONTRACT ACTION OR DEFINI-*
14 *TIZED AMOUNT.*—If a covered contract award reported
15 under subsection (a) includes an undefinitized contract ac-
16 tion, the Secretary shall—

17 (1) report the estimated total contract value for
18 the award and the amount obligated upon award;
19 and

20 (2) once there is a definitized amount for the
21 award, update the total contract value and amount
22 obligated.

23 (c) *EXEMPTION.*—Each report required under sub-
24 section (a) shall not include covered contract awards for
25 which synopsis was exempted under section 5.202(a)(1) of

1 *the Federal Acquisition Regulation, or any successor there-*
 2 *to.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *COVERED CONTRACT AWARD.—The term*
 5 *“covered contract award”—*

6 (A) *means a contract action of the Depart-*
 7 *ment with a total contract value of not less than*
 8 *\$4,000,000, including unexercised options; and*

9 (B) *includes—*

10 (i) *contract awards governed by the*
 11 *Federal Acquisition Regulation;*

12 (ii) *modifications to a contract award*
 13 *that increase the total value, expand the*
 14 *scope of work, or extend the period of per-*
 15 *formance;*

16 (iii) *orders placed on a multiple-award*
 17 *or multiple-agency contract that includes*
 18 *delivery or quantity terms that are indefi-*
 19 *nite;*

20 (iv) *other transaction authority agree-*
 21 *ments; and*

22 (v) *contract awards made with other*
 23 *than full and open competition.*

24 (2) *DEFINITIZED AMOUNT.—The term “defini-*
 25 *tized amount” means the final amount of a covered*

1 *contract award after agreement between the Depart-*
2 *ment and the contractor at issue.*

3 (3) *DEPARTMENT.*—*The term “Department”*
4 *means the Department of Homeland Security.*

5 (4) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Homeland Security.*

7 (5) *SMALL BUSINESS.*—*The term “small busi-*
8 *ness” means an entity that qualifies as a small busi-*
9 *ness concern, as defined under section 3 of the Small*
10 *Business Act (15 U.S.C. 632).*

11 (6) *TOTAL CONTRACT VALUE.*—*The term “total*
12 *contract value” means the total amount of funds ex-*
13 *pected to be provided to the contractor at issue under*
14 *the terms of the contract through the full period of*
15 *performance.*

16 (7) *UNDEFINITIZED CONTRACT ACTION.*—*The*
17 *term “undefinitized contract action” means any con-*
18 *tract action for which the contract terms, specifica-*
19 *tions, or price is not established prior to the start of*
20 *the performance of the covered contract award.*

21 (e) *SUNSET.*—*This section shall cease to have force or*
22 *effect on the date that is 5 years after the date of enactment*
23 *of this Act.*

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